



The Journal OF THE *House of Representatives*

Number 14

Tuesday, April 18, 2006

The House was called to order by the Speaker at 1:00 p.m.

Prayer

The following prayer was offered by Pastor Kenneth Harley of Pleasant Grove Missionary Baptist Church of New Smyrna Beach, upon invitation of Rep. Hukill:

Eternal God, Everlasting Father, the Creator of the heavens and earth, Lord God Almighty, we thank You for this day and we give honor, praise, and glory to Your precious and holy name. We lift up our hearts today to thank You for the splendor and beauty of the sunrise. Lord, we thank You for allowing us to see the beauty of this day. God, we thank You for the dignity of work, and we pray that when this day ends that we will have been productive as being Your servants. Our Father, as ever before, breathe upon us the blessings of enlightenment and love by which we may do all that we can to be a blessing to help the citizens of Florida.

Heavenly Father, we call on Your name this day to ask for Your divine blessings upon this legislative session. We ask for Your grace and mercy upon these elected officials. Father, I beseech You to strengthen them daily. Carry out the tasks that are before them. Help them to bear the burdens of being dedicated and committed public servants. Lord, I ask You to bless each of these men and women and their staff, who give of their lives to serve the public. Please bless them in a powerful and a mighty way. Please bless their families that are separated from them. Watch over them and please keep them from dangers seen and unseen.

Father, we ask Your blessings upon each legislator. Help them, Lord, to walk the way You would have them to walk. Give them good spiritual, physical, mental, and emotional health. Almighty God, please let them remember that they are public servants who have been given the privilege to represent the citizens of their respective communities. Help them to serve with a loving heart and a commitment to do the best that they can each and every day. Father God, we ask that You bless them with their abilities to never surrender to weariness or difficulties, to work above all with purity of intentions, to give without counting the cost, to labor without seeking rest, and to give of themselves the best that they can each and every day. Father God, we thank You for all that they do for the citizens of Florida.

Lord, we ask that You bless those who have served in the military. Bless our troops, God, abroad each and every day. Father God, we ask that You keep them safe, keep them from danger seen and unseen. Bless them and their families. Bless our Governor, each of the members of the Cabinet. Lord, we just ask for You to grant them wisdom, great understanding, and knowledge. Help them, Lord, to commit themselves to do the best they can to serve all of the people of Florida. Father God, we just thank You for being a merciful and

a mighty God. We ask these blessings in Your son Jesus' name we pray. Amen.

The following members were recorded present:

Session Vote Sequence: 747

Speaker Bense in the Chair.

Adams	Davis, D.	Jennings	Proctor
Allen	Davis, M.	Johnson	Quinones
Altman	Dean	Jordan	Reagan
Anderson	Detert	Joyner	Rice
Arza	Domino	Justice	Richardson
Attkisson	Evers	Kendrick	Rivera
Barreiro	Farkas	Kravitz	Robaina
Baxley	Fields	Kreegel	Roberson
Bean	Flores	Kyle	Ross
Bendross-Mindingall	Galvano	Legg	Rubio
Bense	Gannon	Littlefield	Russell
Benson	Gardiner	Llorente	Sands
Berfield	Gelber	Lopez-Cantera	Sansom
Bilirakis	Gibson, A.	Machek	Seiler
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Slosberg
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Grant	Mealor	Stansel
Bucher	Greenstein	Murzin	Stargel
Bullard	Grimsley	Needelman	Taylor
Cannon	Harrell	Negron	Traviesa
Carroll	Hasner	Patterson	Troutman
Clarke	Hays	Peterman	Vana
Coley	Henriquez	Pickens	Waters
Cretul	Holloway	Planas	Williams
Culp	Homan	Poppell	Zapata
Cusack	Hukill	Porth	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Christopher Attkisson of St. Cloud at the invitation of his father, Rep. Attkisson; Natalie Marie Barreiro of Miami at the invitation of Rep. Barreiro; Bradley Bean of Fernandina at the invitation of his father, Rep. Bean; Kai Leia Childree of Tallahassee at the invitation of the Speaker; Jennifer Cotton of Pace at the invitation of Rep. Evers; Austin Cunningham of Tallahassee at

the invitation of the Speaker; Oscar A. De la Rosa of Hialeah at the invitation of Rep. Rubio.

House Physician

The Speaker presented the Honorable Paige Kreegel, who served as Doctor of the Day.

Correction of the *Journal*

The *Journals* of April 6, April 10, and April 17 were corrected and approved as corrected.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2700, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Ways and Means—

SB 2700—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the first time by title. On motion by Rep. Negron, the rules were waived and the bill was read the second time by title.

Representative(s) Negron offered the following:

(Amendment Bar Code: 875117)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

The moneys contained herein are appropriated from the named funds for the 2006-2007 fiscal year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

(see attached text of HB 5001, 1st engrossed)

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Rep. Negron moved the adoption of the amendment, which was adopted.

On motion by Rep. Negron, the rules were waived and SB 2700 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 748

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kravitz	Roberson
Barreiro	Fields	Kreegel	Ross
Baxley	Flores	Kyle	Rubio
Bean	Galvano	Legg	Russell
Bendross-Mindingall	Gannon	Littlefield	Ryan
Bense	Gardiner	Llorente	Sands
Benson	Gelber	Lopez-Cantera	Sansom
Berfield	Gibson, A.	Machek	Seiler
Bilirakis	Gibson, H.	Mahon	Simmons
Bogdanoff	Glorioso	Mayfield	Slosberg
Bowen	Goldstein	McInvale	Smith
Brandenburg	Goodlette	Meadows	Sobel
Brown	Gottlieb	Mealor	Sorensen
Brummer	Grant	Murzin	Stansel
Bucher	Greenstein	Needelman	Stargel
Bullard	Grimsley	Negron	Taylor
Cannon	Harrell	Patterson	Traviesa
Carroll	Hasner	Peterman	Troutman
Clarke	Hays	Pickens	Vana
Coley	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2702 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Ways and Means—

SB 2702—A bill to be entitled An act implementing the 2006-2007 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; amending s. 215.18, F.S.; authorizing extension of repayment periods for moneys transferred between funds as a result of hurricanes striking the state in 2004; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; providing for expenditure of funds from unallocated general revenue to offset deficiencies in due process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; directing the Department of Environmental Protection to make specified awards of grant

moneys for pollution control purposes; directing the Department of Environmental Protection to conduct a pilot program for expedited site evaluation and cleanup of port and airport facilities for redevelopment and expansion; providing guidelines for such program; amending s. 375.041, F.S.; authorizing transfer of moneys from the Land Acquisition Trust Fund to the Florida Forever Trust Fund and the Save Our Everglades Trust Fund to support specified programs; amending s. 259.032, F.S.; authorizing transfer of moneys from the Conservation and Recreation Lands Trust Fund to the Florida Forever Trust Fund; amending s. 373.59, F.S.; authorizing transfer of moneys from the Water Management Lands Trust Fund to the Florida Forever Trust Fund; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 311.22, F.S.; prescribing the matching fund basis for dredging projects that meet specified conditions; amending s. 411.01, F.S.; requiring the Agency for Workforce Innovation to recommend a formula to allocate funds; providing for changes in the allocation of funds to be specified in the General Appropriations Act; eliminating approval of the allocation formula by the Legislative Budget Commission; eliminating an obsolete provision; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing finding of best interest of the state for authorization and issuance of certain debt; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2006-2007 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing, conditionally, for retroactive operation; providing effective dates.

—was read the first time by title. On motion by Rep. Negron, the rules were waived and the bill was read the second time by title.

Representative(s) Negron offered the following:

(Amendment Bar Code: 247501)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2006-2007.

Section 2. In order to implement Specific Appropriations 7, 8, and 91-97 of the 2006-2007 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2006-2007 fiscal year in the document entitled "Public School Funding The Florida Education Finance Program" dated April 6, 2006, and filed with the Clerk of the House of Representatives are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 3. In order to implement section 11 of the 2006-2007 General Appropriations Act, section 1004.065, Florida Statutes, is amended to read:

1004.065 Limitation on university and direct-support organization financings.—No project may be financed by or on behalf of a university or a direct-support organization pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements, or any other form of indebtedness, without prior approval of the project by the Legislature by an act relating to appropriations or general law. This section expires July 1, ~~2007~~ 2006.

Section 4. In order to implement Specific Appropriation 375-380 of the 2006-2007 General Appropriations Act, paragraph (c) is added to subsection (14) of section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.--

(14)

(c) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 23 years, with a private contractor to finance, design, and construct a secure facility, as described in s. 394.917, of at least 600 beds and to operate all aspects of daily operations within the secure facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the secure facility. The department shall begin the implementation of this privatization initiative by July 1, 2006. This section expires July 1, 2007.

Section 5. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 720, 731, 741, and 1167 of the 2006-2007 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2007.

Section 6. In order to implement Specific Appropriations 710-805 of the 2006-2007 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.--

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the ~~2006-2007~~ ~~2005-2006~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~March 21, 2006~~ ~~February 14, 2005~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from ~~unallocated general revenue~~ ~~the General Revenue Fund or the Working Capital Fund~~ sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, ~~2007~~ 2006.

Section 7. In order to implement Specific Appropriations 880B, 3248, and 3248A of the 2006-2007 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, funds in Specific Appropriations 880B, 3248, and 3248A of the 2006-2007 General Appropriations Act may be transferred between the courts and the Justice Administrative Commission in order to address unanticipated shortfalls in due process services appropriations in excess of the contingency fund provided in Specific Appropriations 880B, 3248, and 3248A of the 2006-2007 General Appropriations Act. This section expires July 1, 2007.

Section 8. In order to implement Specific Appropriations 880B, 3248, and 3248A of the 2006-2007 General Appropriations Act, if a deficit is projected by the Justice Administrative Commission or the state courts in any specific appropriation provided for due process services, the Governor or the Chief Justice of the Supreme Court, respectively, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the expenditure of funds from unallocated general revenue to offset such deficiency. Any budget amendment submitted by the Governor to the Legislative Budget Commission shall contain certification by the Justice Administrative Commission that all actions required by s. 29.015, Florida Statutes, have been completed and that no funds exist in any contingency fund appropriation available to the entity projected to experience the deficiency. Any budget amendment submitted by the Supreme Court shall contain certification that the court has completed all actions required by s. 29.016, Florida Statutes, and that no funds exist in any contingency fund available to the state courts system. This section expires July 1, 2007.

Section 9. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2006-2007 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2006-2007 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2007.

Section 10. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2006-2007 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2006-2007 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2007.

Section 11. In order to implement sections 2-7 of the 2006-2007 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the 2006-2007 ~~2005-2006~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2007 ~~2006~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the 2006-2007 ~~2005-2006~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2007 ~~2006~~.

Section 12. Notwithstanding s. 403.7095, Florida Statutes, in order to implement Specific Appropriation 1868 of the 2006-2007 General Appropriations Act, the Department of Environmental Protection shall award:

(1) \$6,500,000 in grants equally to counties with populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

(2) \$1,599,500 to be used for Innovative Grants.

(3) \$1,500,000 to be used for the Florida Green Procurement Initiative to assist state agencies in meeting s. 403.7065.

(4) \$5,000,000 to be used for the Treasure Coast Regional Biosolids Management Facility.

This section expires July 1, 2007.

Section 13. In order to implement Specific Appropriation 1847 of the 2006-2007 General Appropriations Act, and for the 2006-2007 fiscal year only, the Department of Environmental Protection shall conduct a pilot program of the efficacy of expedited site evaluation and cleanup of existing public port and airport facility sites that have high redevelopment potential and that serve an immediate and demonstrated public purpose. The department shall conduct the pilot program at sites that will serve as prototypes to evaluate the need for funding in subsequent years.

(1) The pilot program sites selected must include:

(a) A port facility at which petroleum contamination is a potential threat to marine and estuarine waters and is hindering the tourism, trade, and economic development potential for the facility and the surrounding area; and

(b) An airport adjacent to marine or estuarine waters where redevelopment and expansion are likely to be hindered by petroleum contamination issues.

(2) The pilot program should focus on:

(a) Rapid assessment of the scope of the contamination issues;

(b) The effective use of existing site information;

(c) For larger, multiyear projects, the development of project phases, schedules, and budget estimates, including appropriate cost sharing components with affected entities;

(d) Commitment of one-time funds for petroleum contamination assessment, free product removal, soil removal, and restoration that will render site conditions suitable for immediate redevelopment; and

(e) Preparation of an independent oversight report that evaluates the cost-effectiveness of this funding approach with emphasis on the timing of tax benefits that may accrue.

(3) The department is directed to implement this pilot program as soon as possible and report its progress to the Legislature by March 1, 2007.

(4) This section expires July 1, 2007.

Section 14. In order to implement Specific Appropriation 1825 of the 2006-2007 General Appropriations Act, and for the 2006-2007 fiscal year only, there is hereby created the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council.

(1) For purposes of this act, the hydrologic basins of the Caloosahatchee River and its estuary and the St. Lucie River and its estuary, including Lake Okeechobee, shall be known as the "Caloosahatchee-St. Lucie Rivers Corridor."

(2) The Caloosahatchee-St. Lucie Rivers Corridor Advisory Council is under the Department of Environmental Protection and shall consist of 17 members who shall be appointed as follows:

(a) The Governor shall appoint:

1. One consumer member.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in engineering.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Okeechobee County, Martin County, or Palm Beach County.

(b) The President of the Senate shall appoint:

1. One member representing local government in Lee County.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in hydrology.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Lee County or Charlotte County.

6. One member from the Senate.

(c) The Speaker of the House of Representatives shall appoint:

1. One member representing local government in Martin County.

2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in biology.

3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Hendry County or Glades County.

6. One member from the House of Representatives.

(d) The Governor shall appoint the chair of the advisory council from among its members.

(e) Appointments to the advisory council shall be made no later than 30 days after the effective date of this act.

(f) Each member of the advisory council may receive per diem and travel expenses as provided in s. 112.061, Florida Statutes, while carrying out the business of the advisory council.

(g) The first meeting of the advisory council shall be held no later than 60 days after the effective date of this act.

(h) The records and meetings of the advisory council are subject to the provisions of chapter 119 and s. 286.011, Florida Statutes.

(i) The advisory council shall be staffed by an executive director and other personnel selected and hired by the Department of Environmental Protection who shall be exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System. The Department of Environmental Protection may employ staff and consultants as necessary to assist the advisory council in fulfilling its responsibilities. The South Florida Water Management District and the Department of Environmental Protection shall each appoint a liaison for the respective agency to work directly with the executive director of the advisory council and to provide expertise and assistance to the advisory council.

(3) The duties of the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council are to:

(a) Meet at least five times after August 1, 2006.

(b) Hold a minimum of five public hearings within the Caloosahatchee-St. Lucie Rivers Corridor for the purpose of receiving public comments and information.

(c) Review the operation and management of Lake Okeechobee and the associated discharges from the lake for the purpose of formulating specific recommendations relating to, but not limited to:

1. Scientifically viable, economically feasible projects, programs, and regulations that address or mitigate the impacts of high-level discharges from Lake Okeechobee upon the receiving waters of the Caloosahatchee River and the St. Lucie Canal and St. Lucie River and their respective estuaries.

2. Ongoing projects and plans authorized pursuant to the Lake Okeechobee Protection Program and the Comprehensive Everglades Restoration Plan under s. 373.4592, Florida Statutes.

3. Environmentally and economically feasible projects to remove accumulated sedimentation from Lake Okeechobee.

4. Alternative treatment strategies, projects, best management practices, and funding sources to manage more effectively the hydrology of the corridor to minimize adverse ecological effects upon the receiving waters from Lake Okeechobee discharge.

5. Long-term funding for implementation of the projects and programs identified in the report.

(4) The advisory council shall prepare and submit a report and recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2007 Regular Session of the Legislature for implementation of projects and strategies to mitigate the present effects of high discharges from Lake Okeechobee upon the described basins.

(5) The advisory council shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, a report with specific recommendations for implementation by the Legislature and the Governor that will mitigate ecological effects upon the Caloosahatchee-St. Lucie Rivers Corridor and stabilize the effect of high discharges from Lake Okeechobee upon the tourist economy of Southwest and Southeast Florida.

(6) The advisory council shall expire on April 1, 2007, and this section shall expire July 1, 2007.

Section 15. In order to implement Specific Appropriation 1857A of the 2006-2007 General Appropriations Act, there is hereby created the Fuel Distributors Emergency Power Assistance Grant Program within the Department of Community Affairs to provide assistance to fuel distributors

in retrofitting their facilities to accommodate portable generators in preparation for major power outages. This section expires July 1, 2007.

Section 16. In order to implement Specific Appropriation 1827 of the 2006-2007 General Appropriations Act, subsection (5) is added to section 373.1961, Florida Statutes, to read:

373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.--

(5) FUNDING FOR ALTERNATIVE WATER SUPPLY PROJECTS FOR THE 2006-2007 FISCAL YEAR.--For the 2006-2007 fiscal year only, and notwithstanding any other provision of this section, the water management districts shall fund the alternative water supply projects listed in the 2006-2007 General Appropriations Act. This subsection expires July 1, 2007.

Section 17. In order to implement Specific Appropriation 1820 of the 2006-2007 General Appropriations Act, subsection (6) is added to section 373.459, Florida Statutes, to read:

373.459 Funds for surface water improvement and management.--

(6) For the 2006-2007 fiscal year only, and notwithstanding any other provision of ss. 373.451-373.459, the water management districts shall fund the surface water improvement projects listed in the 2006-2007 General Appropriations Act. This subsection expires July 1, 2007.

Section 18. In order to implement Specific Appropriation 1820 of the 2006-2007 General Appropriations Act, paragraph (c) of subsection (1) of section 403.890, Florida Statutes, is amended to read:

403.890 Water Protection and Sustainability Program; intent; goals; purposes.--

(1) Effective July 1, 2006, revenues transferred from the Department of Revenue pursuant to s. 201.15(1)(d)2. shall be deposited into the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection. These revenues and any other additional revenues deposited into or appropriated to the Water Protection and Sustainability Trust Fund shall be distributed by the Department of Environmental Protection in the following manner:

(c)1. Ten percent shall be disbursed for the purposes of funding projects pursuant to ss. 373.451-373.459 or surface water restoration activities in water-management-district-designated priority water bodies. The Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

a.1- Thirty-five percent to the South Florida Water Management District;

b.2- Twenty-five percent to the Southwest Florida Water Management District;

c.3- Twenty-five percent to the St. Johns River Water Management District;

d.4- Seven and one-half percent to the Suwannee River Water Management District; and

e.5- Seven and one-half percent to the Northwest Florida Water Management District.

2. For the 2006-2007 fiscal year only, and notwithstanding subparagraph 1., the water management districts shall fund the surface water improvement projects listed in the 2006-2007 General Appropriations Act. This subparagraph expires July 1, 2007.

Section 19. In order to implement Specific Appropriation 1826 of the 2006-2007 General Appropriations Act, subsection (4) is added to section 403.1838, Florida Statutes, to read:

403.1838 Small Community Sewer Construction Assistance Act.--

(4) For the 2006-2007 fiscal year only, and notwithstanding any other provision of this section, the department shall fund the wastewater projects listed in the 2006-2007 General Appropriations Act. This subsection expires July 1, 2007.

Section 20. In order to implement Specific Appropriation 1790 of the 2006-2007 General Appropriations Act, subsection (3) of section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication.--

(3) This section is repealed effective July 1, 2007 ~~2006~~, unless reviewed and reenacted by the Legislature before that date.

Section 21. In order to implement Specific Appropriations 1362-1546A of the 2006-2007 General Appropriations Act, section 502.015, Florida Statutes, is amended to read:

502.015 General Inspection Trust Fund.--

(1) Any moneys collected by the department pursuant to this chapter shall be deposited in the General Inspection Trust Fund and used solely for the programs in this chapter.

(2) For the 2006-2007 fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2007.

Section 22. In order to implement Specific Appropriations 2788 and 2789 of the 2006-2007 General Appropriations Act, section 11.151, Florida Statutes, is amended to read:

11.151 Annual legislative appropriation to contingency fund for use of Senate President and House Speaker.--

(1) There is established a legislative contingency fund consisting of \$10,000 for the President of the Senate and \$10,000 for the Speaker of the House of Representatives, which amounts shall be set aside annually from moneys appropriated for legislative expense. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the President of the Senate or the Speaker of the House of Representatives. Such funds may be expended at the unrestricted discretion of the President of the Senate or the Speaker of the House of Representatives in carrying out their official duties during the entire period between the date of their election as such officers at the organizational meeting held pursuant to s. 3(a), Art. III of the State Constitution and the next general election.

(2) For the 2006-2007 ~~2005-2006~~ fiscal year only, the contingency fund amounts in subsection (1) are increased to \$20,000. This subsection expires July 1, 2007 ~~2006~~.

Section 23. In order to implement Specific Appropriation 2688 of the 2006-2007 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports

promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2006-2007 ~~2005-2006~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2007 ~~2006~~.

Section 24. In order to implement section 32 of the 2006-2007 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, 2007 ~~2006~~.

Section 25. In order to implement proviso language in Specific Appropriation 2304 of the 2006-2007 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.--

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department shall adopt rules as necessary to implement this section.

(4) For the 2006-2007 ~~2005-2006~~ fiscal year only, the Agency for Workforce Innovation may ~~shall~~ administer this section. This subsection expires July 1, 2007 ~~2006~~.

Section 26. In order to implement Specific Appropriations 1594, 1596, 1598, and 1600 of the 2006-2007 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.--

(5)(a) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice, review, and objection procedures set forth in s. 216.177.

(b) Notwithstanding paragraph (a), and for the 2006-2007 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2007.

Section 27. In order to implement specific appropriations for salaries and benefits in the 2006-2007 General Appropriations Act, notwithstanding the provisions of s. 110.1245(4), Florida Statutes, and for the 2006-2007 fiscal year only, agencies may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 each and will be allocated from an agency's existing budget. By March 1, 2007, agencies that elect to make cash awards will report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This section expires July 1, 2007.

Section 28. In order to implement the issuance of new debt authorized in the 2006-2007 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2006-2007 fiscal year is in the best interest of the state and should be implemented.

Section 29. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2006-2007 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2006-2007 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 30. If any other act passed in 2006 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 31. The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2006-2007" dated March 31, 2006, and filed with the Clerk of the House of Representatives are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2006-2007, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under s. 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 32. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity may not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2006.

===== TITLE A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act implementing the 2006-2007 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; amending s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a sexually violent predator facility; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing transfer of certain funds between the courts and the Justice Administrative Commission to meet certain shortfalls in due process services appropriations; providing for

expenditure of funds from unallocated general revenue to offset deficiencies in due process services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; directing the Department of Environmental Protection to conduct a pilot program for expedited site evaluation and cleanup of port and airport facilities for redevelopment and expansion; providing guidelines for such program; creating the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council; providing a definition; providing for appointment of members, per diem and travel expenses, staff, and duties of the advisory council; exempting staff from pt. II of ch. 110, F.S., relating to the Career Service System; requiring recommendations to the Legislature; requiring a report to the Legislature and Governor by a specific date; providing for expiration of the advisory council; creating the Fuel Distributors Emergency Power Assistance Grant Program within the Department of Community Affairs; amending s. 373.1961, F.S.; requiring the water management districts to fund certain alternative water supply projects; amending ss. 373.459 and 403.890, F.S.; requiring the water management districts to fund certain surface water improvement projects; amending s. 403.1838, F.S.; requiring the Department of Environmental Protection to fund certain wastewater projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; amending s. 502.015, F.S.; authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; authorizing the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; authorizing state agencies to make cash awards to state employees demonstrating satisfactory service to the agency or the state; providing limits on such awards; requiring a report with respect thereto; providing finding of best interest of the state for authorization and issuance of certain debt; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2006-2007 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

Rep. Negron moved the adoption of the amendment, which was adopted.

On motion by Rep. Negron, the rules were waived and SB 2702 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 749

Speaker Bense in the Chair.

Yeas—113

Adams	Anderson	Barreiro	Bendross-Mindingall
Allen	Arza	Baxley	Bense
Altman	Attkisson	Bean	Benson

Berfield	Gannon	Kyle	Robaina
Bilirakis	Gardiner	Legg	Roberson
Bogdanoff	Gelber	Littlefield	Ross
Bowen	Gibson, A.	Llorente	Rubio
Brandenburg	Gibson, H.	Lopez-Cantera	Russell
Brown	Glorioso	Machek	Ryan
Brummer	Goldstein	Mahon	Sands
Bucher	Goodlette	Mayfield	Sansom
Bullard	Gottlieb	McInvale	Seiler
Cannon	Grant	Meadows	Simmons
Carroll	Greenstein	Mealor	Slosberg
Clarke	Grimsley	Murzin	Smith
Coley	Harrell	Needelman	Sobel
Cretul	Hasner	Negron	Sorensen
Culp	Hays	Patterson	Stansel
Cusack	Henriquez	Peterman	Stargel
Davis, D.	Holloway	Pickens	Taylor
Davis, M.	Homan	Planas	Traviesa
Dean	Hukill	Poppell	Troutman
Detert	Jennings	Porth	Vana
Domino	Johnson	Proctor	Waters
Evers	Jordan	Quinones	Williams
Farkas	Justice	Reagan	Zapata
Fields	Kendrick	Rice	
Flores	Kravitz	Richardson	
Galvano	Kreegel	Rivera	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone, Joyner

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 390 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health and Human Services Appropriations and Senators Saunders and Wilson—

CS for SB 390—A bill to be entitled An act relating to medical services; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for full or partial dentures for certain recipients and for procedures relating to the seating and repair of dentures; authorizing the provision of hearing and visual services to Medicaid recipients; amending s. 409.9122, F.S., relating to mandatory Medicaid managed care enrollment; revising the percentages for the agency to achieve in enrolling certain Medicaid recipients in managed care plans or in MediPass; amending s. 409.911, F.S.; revising the audited data used by the agency to determine the amount distributed to hospitals under the disproportionate share program; revising the number of Medicaid days used in the calculation; deleting obsolete provisions; amending s. 409.9113, F.S.; providing for the distribution of funds to statutorily defined teaching hospitals and family practice teaching hospitals; amending s. 624.91, F.S.; deleting provisions requiring that the Florida Healthy Kids Corporation establish a local match policy each fiscal year for enrolling certain children in the Healthy Kids program; requiring the Office of Program Policy Analysis and Government Accountability to review the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program within the Department of Elderly Affairs and report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

—was read the first time by title. On motion by Rep. Bean, the rules were waived and the bill was read the second time by title.

Representative(s) Bean offered the following:

(Amendment Bar Code: 313937)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.--

(3)(a) The agency shall adopt rules providing minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, ~~and increasing to 2.9 hours of direct care per resident per day beginning July 1, 2006.~~ Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 2. Subsection (5) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.--The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) Subject to specific federal authorization, a ~~postpartum~~ woman living in a family that has an income that is at or below 185 percent of the most current federal poverty level is eligible for family planning services as specified in s. 409.905(3) for a period of up to 24 months following a loss of Medicaid benefits pregnancy for which Medicaid paid for pregnancy-related services.

Section 3. Paragraph (d) of subsection (5) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.--The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.--The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit

the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(d) The agency shall implement a hospitalist program in certain high-volume participating hospitals, select counties, or statewide. The program shall require hospitalists to ~~authorize and~~ manage Medicaid recipients' hospital admissions and lengths of stay. Individuals who are dually eligible for Medicare and Medicaid are exempted from this requirement. Medicaid participating physicians and other practitioners with hospital admitting privileges shall coordinate and review admissions of Medicaid recipients with the hospitalist. The agency may competitively bid a contract for selection of a qualified organization to provide hospitalist services. The qualified organization shall employ board certified physicians who are full-time dedicated employees of the contractor and have no outside practice. ~~Where used, the hospitalist program shall replace the existing hospital utilization review program. The agency is authorized to seek federal waivers to implement this program.~~

Section 4. Paragraph (b) of subsection (1) and subsection (23) of section 409.906, Florida Statutes, are amended to read:

409.906 Optional Medicaid services.--Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.--

(b) Beginning January 1, 2005, the agency may pay for partial dentures and full dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older.

(23) ~~CHILDREN'S~~ VISUAL SERVICES.--The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient ~~younger than 21 years of age~~, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist. Eyeglasses for adult recipients shall be limited to two pairs per year per recipient, except a third pair may be provided after prior authorization.

Section 5. Paragraph (a) of subsection (9) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.--The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(9) Upon receipt of a completed, signed, and dated application, and completion of any necessary background investigation and criminal history record check, the agency must either:

(a) Enroll the applicant as a Medicaid provider ~~no earlier than the effective date of the approval of the provider application. With respect to providers who were recently granted a change of ownership and those who primarily provide emergency medical services transportation or emergency services and care pursuant to s. 395.1041 or s. 401.45, or services provided by entities under s. 409.91255, and out-of-state providers,~~ upon approval of the provider

application. The enrollment effective date shall be of approval is considered to be the date the agency receives the provider application. Payment for any claims for services provided to Medicaid recipients between the date of receipt of the application and the date of approval is contingent on applying any and all applicable audits and edits contained in the agency's claims adjudication and payment processing systems; or

Section 6. Paragraph (c) of subsection (1) of section 409.9081, Florida Statutes, is amended to read:

409.9081 Copayments.--

(1) The agency shall require, subject to federal regulations and limitations, each Medicaid recipient to pay at the time of service a nominal copayment for the following Medicaid services:

(c) Hospital emergency department visits for nonemergency care: 5 percent of up to the first \$300 of the Medicaid payment for emergency room services, not to exceed \$15 for each emergency department visit.

Section 7. Subsections (2), (3), and (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.--Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the ~~1998, 1999, and 2000, 2001, and 2002~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2006-2007 2004-2005 state fiscal year ~~and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year.~~

(b) If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(c) In accordance with s. 1923(b) of the Social Security Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(3) Hospitals that qualify for a disproportionate share payment solely under paragraph (2)(c) shall have their payment calculated in accordance with the following formulas:

$$DSHP = (HMD/TMSD) \times \$1 \text{ million}$$

Where:

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TSD = total state Medicaid days.

Any funds not allocated to hospitals qualifying under this section shall be redistributed to the non-state government owned or operated hospitals with greater than 3,100 3,300 Medicaid days.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(a) For state mental health hospitals:

$$DSHP = (HMD/TMDMH) \times TAAMH$$

shall be the difference between the federal cap for Institutions for Mental Diseases and the amounts paid under the mental health disproportionate share program.

Where:

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TMDHH = total Medicaid days for state mental health hospitals.

TAAMH = total amount available for mental health hospitals.

(b) For non-state government owned or operated hospitals with 3,100 ~~3,300~~ or more Medicaid days:

$$\text{DSHP} = [(.82 \times \text{HCCD}/\text{TCCD}) + (.18 \times \text{HMD}/\text{TMD})] \\ \times \text{TAAPH} \\ \text{TAAPH} = \text{TAA} - \text{TAAMH}$$

Where:

TAA = total available appropriation.

TAAPH = total amount available for public hospitals.

DSHP = disproportionate share hospital payments.

HMD = hospital Medicaid days.

TMD = total state Medicaid days for public hospitals.

HCCD = hospital charity care dollars.

TCCD = total state charity care dollars for public non-state hospitals.

~~1. For the 2005-2006 state fiscal year only, the DSHP for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.~~

2. The TAAPH shall be reduced by \$6,365,257 before computing the DSHP for each public hospital. The \$6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals.

(c) For non-state government owned or operated hospitals with less than 3,100 ~~3,300~~ Medicaid days, a total of \$750,000 shall be distributed equally among these hospitals.

Section 8. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.--In addition to the payments made under ss. 409.911 and 409.912, the Agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year 2006-2007 ~~2005-2006~~, the agency shall ~~not~~ distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program. The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$\text{TAP} = \text{THAF} \times \text{A}$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 9. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.--For the state fiscal year 2006-2007 ~~2005-2006~~, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 10. Paragraph (b) of subsection (4) and subsection (44) of section 409.912, Florida Statutes, are amended, and subsection (53) is added to that section, to read:

409.912 Cost-effective purchasing of health care.--The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and

other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpeded access to behavioral health care services by Medicaid recipients, ~~all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section.~~ the agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients

who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts shall be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under the provisions of s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers

licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(f)(4), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, if any, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which ~~may shall be actuarially adjusted for health status case mix, model, and service area.~~ The agency shall conduct actuarially sound ~~adjustments for health status audits adjusted for case mix and model~~ in order to ensure such cost-effectiveness and shall publish the ~~audit~~ results on its Internet website and submit the ~~audit~~ results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(53) In accordance with s. 430.705 and 42 C.F.R. s. 438, Medicaid capitation payments for managed long-term care programs shall be risk adjusted by plan and reflect members' level of chronic illness, functional limitations, and risk of institutional placement, as determined by expenditures for a comparable fee-for-service population. Payments for Medicaid home and community-based services shall be actuarially equivalent to plan experience.

Section 11. Paragraphs (f) and (k) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.--

(2)

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 40 percent in MediPass and 65 60 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once this enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 40 percent and 65 60 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass, including children, and who are to be assigned to the MediPass program to children's networks as described in s. 409.912(4)(g), Children's Medical Services Network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs

authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be economically operated. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 40 percent in MediPass and 65 60 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 40 percent and 65 60 percent proportion, respectively. In service areas 1 and 6 of the Agency for Health Care Administration where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 12. Paragraph (b) of subsection (5) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.--

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board

of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.

2. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local match policy for the enrollment of non-Title-XXI-eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local match cash contributions required each fiscal year and local match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local match rate based upon that county's percentage of the state's total non-Title-XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local match credits, the corporation may consider factors including, but not limited to, population density, per capita income, and existing child-health-related expenditures and services. If local match amounts collected exceed expenditures during any fiscal year, including the 2005-2006 fiscal year, the corporation shall return unspent local funds collected based on a formula developed by the corporation.

3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.

4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida KidCare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For health care contracts, the minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

15. Establish benefit packages which conform to the provisions of the Florida KidCare program, as created in ss. 409.810-409.820.

Section 13. Subsection (4) of section 430.705, Florida Statutes, is amended to read:

430.705 Implementation of the long-term care community diversion pilot projects.--

(4) Pursuant to 42 C.F.R. s. 438.6(c), the agency, in consultation with the department, shall annually reevaluate and recertify the capitation rates for the diversion pilot projects. The agency, in consultation with the department, shall secure the utilization and cost data for Medicaid and Medicare beneficiaries served by the program which shall be used in developing rates for the diversion pilot projects. The capitation rates shall be risk adjusted by plan and reflect members' level of chronic illness, functional limitations, and risk of institutional placement, as determined by expenditures for a comparable fee-for-service population. Payments for Medicaid home and community-based services shall be actuarially equivalent to plan experience.

Section 14. This act shall take effect July 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to health care; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; amending s. 409.904, F.S.; revising requirements relating to eligibility of certain women for family planning services; amending s. 409.905, F.S.; revising requirements for the hospitalist program; removing a provision authorizing the Agency for Health Care Administration to seek certain waivers to implement the program; amending s. 409.906, F.S.; revising provisions relating to optional adult dental and visual services covered by Medicaid; amending s. 409.907, F.S.; revising the enrollment effective date for Medicaid providers; providing procedures for payment for certain claims for services; amending s. 409.9081, F.S.; revising the limitation on Medicaid recipient copayments for emergency room services; amending s. 409.911, F.S., relating to the hospital disproportionate share program; revising the method for calculating disproportionate share payments to hospitals; deleting obsolete provisions; amending s. 409.9113, F.S.; providing guidelines for distribution of disproportionate share funds to certain teaching hospitals; amending s. 409.9117, F.S., relating to the primary care disproportionate share program; revising the time period during which the agency shall not distribute certain moneys; amending s. 409.912, F.S., relating to cost-effective purchasing of health care; deleting an obsolete provision requiring a certain percentage of capitation paid to managed care plans to be expended for behavioral health services; providing that adjustments for health status be considered in agency evaluations of the cost-effectiveness of Medicaid managed care plans; providing requirements for Medicaid capitation payments for managed long-term care programs and payments for Medicaid home and community-based services; amending s. 409.9122, F.S.; revising enrollment limits for Medicaid recipients who are subject to mandatory assignment to managed care plans and MediPass; amending s. 624.91, F.S.; requiring the Florida Healthy Kids Corporation to return certain unspent funds based on a formula developed by the corporation; amending s. 430.705, F.S., relating to implementation of the long-term care community diversion pilot projects; providing requirements for Medicaid capitation payments for managed long-term care programs and payments for Medicaid home and community-based services; providing an effective date.

Rep. Bean moved the adoption of the amendment, which was adopted.

Representative(s) Bean offered the following:

On motion by Rep. Bean, the rules were waived and CS for SB 390 was read the third time by title. On passage, the vote was:

(Amendment Bar Code: 188153)

Session Vote Sequence: 750

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kravitz	Roberson
Barreiro	Fields	Kreegel	Ross
Baxley	Flores	Kyle	Rubio
Bean	Galvano	Legg	Russell
Bendross-Mindingall	Gannon	Littlefield	Ryan
Bense	Gardiner	Llorente	Sands
Benson	Gelber	Lopez-Cantera	Sansom
Berfield	Gibson, A.	Machek	Seiler
Bilirakis	Gibson, H.	Mahon	Simmons
Bogdanoff	Glorioso	Mayfield	Slosberg
Bowen	Goldstein	McInvale	Smith
Brandenburg	Goodlette	Meadows	Sobel
Brown	Gottlieb	Mealor	Sorensen
Brummer	Grant	Murzin	Stansel
Bucher	Greenstein	Needelman	Stargel
Bullard	Grimsley	Negron	Taylor
Cannon	Harrell	Patterson	Traviesa
Carroll	Hasner	Peterman	Troutman
Clarke	Hays	Pickens	Vana
Coley	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 394 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health and Human Services Appropriations and Senator Saunders—

CS for SB 394—A bill to be entitled An act relating to social services; amending s. 393.0661, F.S.; deleting provisions requiring the Agency for Health Care Administration to make certain adjustments with respect to home and community-based services; requiring that the Agency for Persons with Disabilities report to the Governor and Legislature the financial status of home and community-based services provided under a federally approved waiver; requiring that the agency adjust the rates for such services in order to remain within the amount appropriated; amending s. 440.02, F.S.; deleting provisions providing for the expiration of an exemption from coverage under workers' compensation law for certain clients enrolled in the Medicaid program who are served by Adult Day Training Services; providing an effective date.

—was read the first time by title. On motion by Rep. Bean, the rules were waived and the bill was read the second time by title.

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (4) of section 393.0661, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.--The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(4) Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. ~~If at any time, based upon an analysis by the Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities, the cost of home and community-based waiver services are expected to exceed the appropriated amount, the Agency for Health Care Administration may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation.~~

(5) The Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of home and community-based services provided under the federally approved waiver, including, but not limited to, the number of clients currently being served through the program and information concerning the actual and projected costs as compared to the amount of the appropriation available to the program. If at any time an analysis by the agency finds that the cost of services is expected to exceed the amount appropriated, based on the current rates as implemented on November 1, 2003, the agency shall implement any adjustment that is necessary under subsection (4) in order to remain within the appropriation.

Section 2. Paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.--When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish motor vehicle equipment as identified in the written contract and the principal costs incidental to the performance of the contract, including, but not limited to, fuel and repairs, provided a motor carrier's advance of costs to the owner-operator when a written contract evidences the owner-operator's obligation to reimburse such advance shall be treated as the owner-operator furnishing such cost and the owner-operator is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based or the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage. ~~This subparagraph expires July 1, 2006.~~

Section 3. This act shall take effect January 1, 2007.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to social services; amending s. 393.0661, F.S.; deleting provisions requiring the Agency for Health Care Administration to make certain adjustments with respect to home and community-based services; requiring that the Agency for Persons with Disabilities report to the Governor and Legislature the financial status of home and community-based services provided under a federally approved waiver; requiring that the agency adjust the rates for such services in order to remain within the amount appropriated; amending s. 440.02, F.S.; deleting provisions providing for the expiration of an exemption from coverage under workers' compensation law for certain clients enrolled in the Medicaid program who are served by Adult Day Training Services; providing an effective date.

Rep. Bean moved the adoption of the amendment, which was adopted.

On motion by Rep. Bean, the rules were waived and CS for SB 394 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 751

Speaker Bense in the Chair.

Yeas—112

Adams	Arza	Bean	Berfield
Allen	Attkisson	Bendross-Mindingall	Bilirakis
Altman	Barreiro	Bense	Bogdanoff
Anderson	Baxley	Benson	Bowen

Brandenburg	Gelber	Kreegel	Richardson
Brown	Gibson, A.	Legg	Rivera
Brummer	Gibson, H.	Littlefield	Robaina
Bucher	Glorioso	Llorente	Roberson
Bullard	Goldstein	Lopez-Cantera	Ross
Cannon	Goodlette	Machek	Rubio
Carroll	Gottlieb	Mahon	Russell
Clarke	Grant	Mayfield	Ryan
Coley	Greenstein	McInvale	Sansom
Cretul	Grimsley	Meadows	Seiler
Culp	Harrell	Mealor	Simmons
Cusack	Hasner	Murzin	Slosberg
Davis, D.	Hays	Needelman	Smith
Davis, M.	Henriquez	Negron	Sobel
Dean	Holloway	Patterson	Sorensen
Detert	Homan	Peterman	Stansel
Domino	Hukill	Pickens	Stargel
Evers	Jennings	Planas	Taylor
Farkas	Johnson	Poppell	Traviesa
Fields	Jordan	Porth	Troutman
Flores	Joyner	Proctor	Vana
Galvano	Justice	Quinones	Waters
Gannon	Kendrick	Reagan	Williams
Gardiner	Kravitz	Rice	Zapata

Nays—None

Votes after roll call:

Yeas—Ambler, Antone, Sands

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 398 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health and Human Services Appropriations and Senator Saunders—

CS for SB 398—A bill to be entitled An act relating to funding for social services; amending s. 394.457, F.S.; deleting provisions authorizing a reimbursement rate of 100 percent by the Department of Children and Family Services for certain services provided under the Baker Act; amending s. 394.908, F.S.; revising the methodology for distributing funds for certain substance abuse and mental health services; repealing s. 402.33(10), F.S., relating to provisions authorizing the use of certain excess funds for nonrecurring expenditures incurred in providing direct client services and for certain administrative costs; amending s. 409.1671, F.S.; revising provisions requiring that a statewide risk pool be established for community-based providers, their subcontractors, and providers of other social services who contract with the Department of Children and Family Services; requiring that the department develop a plan, in consultation with the Florida Coalition for Children, Inc., regarding the long-term use and structure of the risk pool; deleting certain restrictions governing payments for insolvency; authorizing the department to issue an interest-free loan to the Florida Coalition for Children, Inc.; providing an effective date.

—was read the first time by title. On motion by Rep. Bean, the rules were waived and the bill was read the second time by title.

Representative(s) Bean offered the following:

(Amendment Bar Code: 584845)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.--

(3) POWER TO CONTRACT.--The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(5)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. ~~Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent.~~ The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 2. Section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.--In recognition of the historical inequity ~~among service districts of the former Department of Health and Rehabilitative Services~~ in the funding of substance abuse and mental health services for the department's districts and regions; and ~~in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used~~ adhered to:

(1) Funding thresholds for substance abuse and mental health services in each of the current districts, statewide, shall be established based on the current number of persons in need per district of substance abuse and mental health services, respectively.

(2) "Persons in need" means those persons who fit the profile of the respective target populations and require mental health or substance abuse services.

(3) ~~Seventy-five percent of~~ Any additional funding beyond the 2005-2006 ~~1996-1997~~ fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts for substance abuse and mental health services based on:

(a) Epidemiological estimates of disabilities ~~that which~~ apply to the respective target populations.

(b) A pro rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

~~(4) The remaining 25 percent shall be allocated based on the number of persons in need of substance abuse and mental health services per district without regard to current funding levels.~~

~~(4)(5)~~ Target populations for persons in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display by target population shall show: The annual number of persons served based on prior year actual numbers, the annual cost per person served, ~~the number of persons served by service cost center,~~ and the estimated number of the total target population for persons in need.

~~(5)(6)~~ The annual cost per person served shall be defined as the total actual funding for each target population divided by the number of persons served in the target population for that year.

~~(7) Commencing on July 1, 1998, all additional funding pursuant to this section shall be performance based.~~

~~(8) For fiscal year 2004-2005 only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 2003-2004~~

recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year 2003-2004. This subsection expires July 1, 2005.

Section 3. Subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.--

~~(10)(a) Unless otherwise specified by the Legislature, fee collections, including third party reimbursements, in excess of fee-supported appropriations may be used in conformance with the provisions of chapter 216 to fund nonrecurring expenditures for direct client services and to fund administrative costs of improving the fee collection program of the department. No more than one sixth of the amount of collections in excess of the amount of appropriations may be used to fund such improvements to the program. Priority consideration for the expenditure of excess collections shall be given to those districts and programs most responsible for the excess. A plan for the use of excess collections not spent in the fiscal year in which collected shall be subject to approval by the Executive Office of the Governor within 90 days from the end of the state fiscal year in which the excess occurs.~~

~~(b) For the 2005-2006 fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, 2006.~~

Section 4. Subsection (7) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; outsourcing.--

~~(7) The Florida Coalition for Children, Inc., in consultation with the department, shall develop a plan, in consultation with the Florida Coalition for Children, Inc., based on an independent actuarial study regarding the long-term use and structure of a statewide community-based care risk pool for the protection of eligible lead community-based providers, their subcontractors, and providers of other social services who contract directly with the department. The plan must also outline strategies to maximize federal earnings as they relate to the community-based care risk pool. At a minimum, the plan must allow for the use of federal earnings received from child welfare programs to be allocated to the community-based care risk pool by the department, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act. The plan must specify the necessary steps to ensure the financial integrity and industry standard risk management practices of the community-based care risk pool and the continued availability of funding from federal, state, and local sources. The plan must also include recommendations that permit the program to be available to entities of the department providing child welfare services until full conversion to community-based care takes place. The final plan shall be submitted to the department and then to the Executive Office of the Governor and the Legislative Budget Commission for formal adoption before January 1, 2005. Upon approval of the plan by all parties, the department is authorized to expend funds from the community-based care risk pool pursuant to the provisions of the plan shall issue an interest-free loan that is secured by the cumulative contractual revenue of the community-based care risk pool membership, and the amount of the loan shall equal the amount appropriated by the Legislature for this purpose. The plan shall provide for a governance structure that assures the department the ability to oversee the operation of the community-based care risk pool at least until this loan is repaid in full.~~

(a) The purposes for which the community-based care risk pool shall be used include, but are not limited to:

1. Significant changes in the number or composition of clients eligible to receive services.
2. Significant changes in the services that are eligible for reimbursement.
3. Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.
4. Proposals to participate in optional Medicaid services or other federal grant opportunities.
5. Appropriate incentive structures.
6. Continuity of care in the event of failure, discontinuance of service, or financial misconduct by a lead agency.

7. Payment for time-limited technical assistance and consultation to lead agencies in the event of serious performance or management problems.

8. Payment for meeting all traditional and nontraditional insurance needs of eligible members.

9. Significant changes in the mix of available funds.

(b) After approval of the plan in the 2004-2005 fiscal year and annually thereafter, the department may also request in its annual legislative budget request, and the Governor may recommend, that the funding necessary to carry out paragraph (a) be appropriated to the department. ~~Subsequent funding of the community-based care risk pool shall be supported by premiums assessed to members of the community-based care risk pool on a recurring basis. The community-based care risk pool may invest and retain interest earned on these funds.~~ In addition, the department may transfer funds to the community-based care risk pool as available in order to ensure an adequate funding level if the fund is declared to be insolvent and approval is granted by the Legislative Budget Commission. ~~Such payments for insolvency shall be made only after a determination is made by the department or its actuary that all participants in the community-based care risk pool are current in their payments of premiums and that assessments have been made at an actuarially sound level. Such payments by participants in the community-based care risk pool may not exceed reasonable industry standards, as determined by the actuary. Money from this fund may be used to match available federal dollars. Dividends or other payments, with the exception of legitimate claims, may not be paid to members of the community-based care risk pool until the loan issued by the department is repaid in full. Dividends or other payments, with the exception of legitimate claims and other purposes contained in the approved plan, may not be paid to members of the community-based care risk pool unless, at the time of distribution, the community-based care risk pool is deemed actuarially sound and solvent. Solvency shall be determined by an independent actuary contracted by the department. The plan shall be developed in consultation with the Office of Insurance Regulation.~~

1. Such funds shall constitute partial security for contract performance by lead agencies and shall be used to offset the need for a performance bond. Subject to the approval of the plan, the community-based care risk pool shall be managed by the Florida Coalition for Children, Inc., or the designated contractors of the Florida Coalition for Children, Inc. Nonmembers of the community-based care risk pool may continue to contract with the department but must provide a letter of credit equal to one twelfth of the annual contract amount in lieu of membership in the community-based care risk pool.

2. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider.

(c) The department may issue an interest-free loan to the Florida Coalition for Children, Inc., for the purpose of creating a self-insurance program. The loan shall be secured by the cumulative contractual revenue of the community-based care lead agencies participating in the self-insurance program. The amount of the loan shall be in an amount equal to the amount appropriated by the Legislature for this purpose.

Section 5. Effective upon this act becoming a law:

(1) A 3-year pilot program is established for the community-based care lead agencies serving Miami-Dade, Monroe, and Broward Counties. This pilot program shall allow for the transfer of the current lead agency oversight responsibilities of the Department of Children and Family Services to independent agents and for funding the program through a grant that enhances funding flexibility. The pilot program shall expand the responsibilities and services provided by these lead agencies.

(2) The Department of Children and Family Services shall enter into a 3-year contract with the designated community-based care lead agency serving Miami-Dade and Monroe Counties and with the designated community-based care lead agency serving Broward County, which have been established in accordance with s. 409.1671, Florida Statutes. The contracts must be fixed-payment contracts funded in 36 equal monthly installments. The first 2 months shall be paid in advance, and the contract must contain the elements outlined in this section. The initial 2-month advance payment is due July 10, 2006. The contracts shall be funded by general revenue through a grant and by

federal Title IV-E funding and other federal funding sources. The amount of federal Title IV-E funding allocated in each year of the 3-year pilot program shall be equal to the amount earned by each of the lead agencies during the 2005-2006 fiscal year. The state shall be held harmless for any shortfall caused by the lead agencies' inability to earn the allocated Title IV-E funding, and each lead agency's contract shall be increased in accordance with any federal overearnings. Funding in excess of the contracted amounts for the lead agencies shall be available only in the event of additional specific legislative appropriations for services provided under s. 409.1671, Florida Statutes; an increase in the population of children served that exceeds 3 percent of the population of children served on June 15, 2005, by either lead agency; or unforeseen catastrophic events as determined by the Governor and funded by the Legislature. The lead agencies shall annually provide certified audited financial statements to the Governor, the Department of Children and Family Services, and the appropriations committees of the Legislature. All other required fiscal reporting shall be determined by the independent fiscal monitors selected by the parties. For purposes of this section, the term "parties" means the two lead agencies implementing this pilot program and the Department of Children and Family Services. In order to facilitate and expedite the execution of this section, the parties shall engage an independent arbitrator for purposes of dispute resolution, including any disputes related to the form and substance of the contract to execute the pilot program, with an award of fees and costs to the prevailing party. The arbitrator's role shall be limited to selecting which party's position is more reasonable.

(3) Contract management, fiscal oversight, and programmatic oversight shall be conducted by independent, nongovernmental third-party entities under contract to the department and shall be conducted in a manner jointly agreed to by the lead agencies and the department. The cost of contracting with these independent entities shall be funded by the department. Notwithstanding any other provision to the contrary, the pilot program may not be implemented until the parties have agreed to the selection of these entities and the manner in which they are to carry out their responsibilities. Such agreement must be reached by the parties no later than July 1, 2006. The selection of the entities for purposes of compliance with this subsection shall be exempt from the provisions of s. 287.057, Florida Statutes. Fiscal oversight shall be conducted in a manner similar to the model used by the department during the 2005-2006 fiscal year in Miami-Dade and Monroe Counties. In order to be able to compare the performance of the pilot program's lead agencies with that of other lead agencies, the programmatic performance of the pilot program's lead agencies shall be measured and monitored by outcome measures contained in their contracts with the department that are in effect on the effective date of this section. The independent entities shall submit their reports directly to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) The department and the lead agencies implementing the pilot program shall develop an implementation plan with the Agency for Health Care Administration regarding the pending Medicaid mental health reform for the purpose of implementing a local reform model that allows for the integration of services in the current systems of care.

(5) The annual evaluation required by s. 409.1671(4)(a), Florida Statutes, shall include an evaluation of the pilot program described in this act that compares performance and fiscal management of the community-based care lead agencies in the pilot program to those that are not in the pilot program. In addition, the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General shall jointly complete an evaluation of the pilot program and provide an interim report to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2008, and a final report no later than February 1, 2009.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to funding for social services; amending s. 394.457, F.S.; deleting provisions authorizing a reimbursement rate of 100 percent by the Department of Children and Family Services for certain services provided

under the Baker Act; amending s. 394.908, F.S.; revising the funding allocation methodology; amending s. 402.33, F.S.; eliminating certain authority of the Department of Children and Family Services and the Department of Health to use fee collections in excess of fee-supported appropriations for certain purposes; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to develop a statewide plan for outsourcing foster care and related services; removing certain plan requirements; removing an obsolete date; authorizing the expenditure of certain funds; removing a requirement to issue certain loans; removing certain provisions relative to the sources of future funding; making conforming changes; removing authority of the Florida Coalition for Children, Inc., or its subcontractors to manage certain risk pool funds; authorizing the department to issue an interest-free loan to the Florida Coalition for Children, Inc., to establish a self-insurance program based on certain appropriations; establishing a 3-year pilot program in Miami-Dade, Monroe, and Broward Counties; providing for the transfer of certain responsibilities from the Department of Children and Family Services to specified community-based care lead agencies; providing for funding the pilot program from grants and federal funds; requiring that the department enter into fixed-payment contracts; requiring that annual financial statements regarding the pilot program be provided to the Governor, the department, and the Legislature; requiring that an independent arbitrator resolve certain disputes related to contracts; requiring that contract management and oversight be conducted by third-party entities; providing an exemption from s. 287.057, F.S.; requiring such entities to submit reports to the Governor and the Legislature; requiring that the department, the lead agencies implementing the pilot program, and the Agency for Health Care Administration develop a plan for integrating certain Medicaid mental health services; specifying that the annual evaluation required in s. 409.1671, F.S., include an evaluation of the pilot program; directing the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to complete an evaluation of the pilot program and to report to the Legislature; providing effective dates.

Rep. Bean moved the adoption of the amendment, which was adopted.

On motion by Rep. Bean, the rules were waived and CS for SB 398 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 752

Speaker Bense in the Chair.

Yeas—113

Adams	Culp	Hasner	Murzin
Allen	Cusack	Hays	Needelman
Altman	Davis, D.	Henriquez	Negron
Anderson	Davis, M.	Holloway	Patterson
Arza	Dean	Homan	Peterman
Attkisson	Detert	Hukill	Pickens
Barreiro	Domino	Jennings	Planas
Baxley	Evers	Johnson	Poppell
Bean	Farkas	Jordan	Porth
Bendross-Mindingall	Fields	Joyner	Proctor
Bense	Flores	Justice	Quinones
Benson	Galvano	Kendrick	Reagan
Berfield	Gannon	Kravitz	Rice
Bilirakis	Gardiner	Kreegel	Richardson
Bogdanoff	Gelber	Kyle	Rivera
Bowen	Gibson, A.	Legg	Robaina
Brandenburg	Gibson, H.	Littlefield	Roberson
Brummer	Glorioso	Llorente	Ross
Bucher	Goldstein	Lopez-Cantera	Rubio
Bullard	Goodlette	Machek	Russell
Cannon	Gottlieb	Mahon	Ryan
Carroll	Grant	Mayfield	Sands
Clarke	Greenstein	McInvale	Sansom
Coley	Grimsley	Meadows	Seiler
Cretul	Harrell	Mealor	Simmons

Slosberg	Stansel	Troutman	Zapata
Smith	Stargel	Vana	
Sobel	Taylor	Waters	
Sorensen	Traviesa	Williams	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone, Brown

So the bill passed, as amended, and was certified to the Senate.

University of South Florida Day

Rep. Culp introduced representatives from the University of South Florida, [seated in the gallery] Judy Genshaft, President; Rocky, University of South Florida Mascot; Maxon Victor, Student Body President; Frank Harrison, Student Body President-elect; and other USF students and faculty. Rep. Culp read HR 9067 (previously shown in the *Journal* on page 353, on April 5) recognizing the 50th Anniversary of the University of South Florida and designating April 18, 2006 as USF Day.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 818 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on General Government Appropriations and Senator Clary—

CS for SB 818—A bill to be entitled An act relating to distributions from the Fuel Tax Collection Trust Fund; amending s. 206.9945, F.S.; providing for the distribution of funds to the Florida Coastal Protection Trust Fund and the Inland Protection Trust Fund; providing an effective date.

—was read the first time by title. On motion by Rep. Mayfield, the rules were waived and the bill was read the second time by title.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 546011)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 206.9945, Florida Statutes, is amended to read:

206.9945 Funds collected; disposition; department authority.--

(1) The department shall deposit all funds received and collected by it under this part into the Fuel Tax Collection Trust Fund to be transferred, less the costs of administration and less the service charges to be deducted pursuant to s. 215.20, as follows:

(a) Moneys collected pursuant to s. 206.9935(1) and tax revenues collected pursuant to s. 207.003 at the rates specified in s. 206.9935(3) shall be transferred to the Florida Coastal Protection Trust Fund as provided in s. 376.11;

(b) Moneys collected pursuant to s. 206.9935(2) shall be transferred to the Water Quality Assurance Trust Fund as provided in s. 376.307; and

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942, shall be transferred to the Inland Protection Trust Fund as provided in s. 376.3071. This paragraph does not apply to moneys collected pursuant to s. 207.003 and transferred pursuant to paragraph (a).

Section 2. This act shall take effect January 1, 2007.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to distributions from the Fuel Tax Collection Trust Fund; amending s. 206.9945, F.S.; providing for the distribution of funds to the Florida Coastal Protection Trust Fund; specifying that provisions relative to the distribution of funds to the Inland Protection Trust Fund do not apply to the distribution of funds to the Florida Coastal Protection Trust Fund; providing an effective date.

Rep. Mayfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Mayfield, the rules were waived and CS for SB 818 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 753

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kravitz	Roberson
Barreiro	Fields	Kreegel	Ross
Baxley	Flores	Kyle	Russell
Bean	Galvano	Legg	Ryan
Bendross-Mindingall	Gannon	Littlefield	Sands
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Lopez-Cantera	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Slosberg
Bogdanoff	Gibson, H.	Mayfield	Smith
Bowen	Glorioso	McInvale	Sobel
Brandenburg	Goldstein	Meadows	Sorensen
Brown	Gottlieb	Mealor	Stansel
Brummer	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone, Goodlette

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 840 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Economic Development Appropriations and Senator Fasano—

CS for SB 840—A bill to be entitled An act relating to the school readiness equity allocation formula; amending s. 411.01, F.S.; requiring the Agency for Workforce Innovation to recommend a formula to allocate funds; providing for changes in the allocation of funds to be specified in the General Appropriations Act; eliminating approval of the allocation formula by the Legislative Budget Commission; eliminating an obsolete provision; providing an effective date.

—was read the first time by title. On motion by Rep. D. Davis, the rules were waived and the bill was read the second time by title.

Representative(s) D. Davis offered the following:

(Amendment Bar Code: 006673)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

Rep. D. Davis moved the adoption of the amendment, which was adopted.

On motion by Rep. D. Davis, the rules were waived and CS for SB 840 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 754

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, M.	Jennings	Reagan
Allen	Dean	Johnson	Rice
Altman	Detert	Jordan	Richardson
Anderson	Domino	Joyner	Robaina
Arza	Evers	Justice	Roberson
Attkisson	Farkas	Kendrick	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Bucher	Harrell	Murzin	Taylor
Bullard	Greenstein	Needelman	Traviesa
Cannon	Grimsley	Negron	Troutman
Carroll	Harrell	Patterson	Vana
Clarke	Hasner	Peterman	Waters
Coley	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata
Culp	Holloway	Porth	
Cusack	Homan	Proctor	
Davis, D.	Hukill	Quinones	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone, Rivera

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 844 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Ways and Means and Senator Carlton—

CS for SB 844—A bill to be entitled An act relating to state employees; amending s. 39.8296, F.S.; requiring that the Justice Administrative Commission approve the classification plan and salary and benefits for employees of the Statewide Guardian Ad Litem Office; amending s. 43.16, F.S.; providing that the employees of the Justice Administrative Commission

are exempt from the Career Service System and not included in the Senior Management Service or Selected Exempt Service; requiring that such employees be offered benefits comparable to those of the Career Service System, with certain exceptions; requiring that the commission annually submit information concerning certain positions to the Executive Office of the Governor and the Legislature; providing that changes in such positions or level of benefits are subject to requirements for notice and objection; amending s. 110.123, F.S.; specifying the amount of the employer contribution to employee health savings accounts for the 2006-2007 fiscal year; amending s. 110.12315, F.S.; continuing the current schedules of copayments for the prescription drug program for state employees; deleting obsolete provisions; amending s. 110.2035, F.S.; requiring that the Department of Management Services conduct wage and salary surveys in consultation with the Executive Office of the Governor and legislative appropriations committees; requiring that an employing agency advise the Executive Office of the Governor and the Legislature of pay additives before the date of implementation; prohibiting pay additives for a cohort of positions unless specifically authorized by the Legislature; requiring that the Department of Management Services annually report pay additives to the Executive Office of the Governor and the Legislature; amending s. 112.061, F.S.; prohibiting the use of moneys from the State Treasury for per diem or subsistence related to Class C travel; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 855369)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 844 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 755

Speaker Bense in the Chair.

Yeas—115

Adams	Culp	Hasner	Needelman
Allen	Cusack	Hays	Negron
Altman	Davis, D.	Henriquez	Patterson
Anderson	Davis, M.	Holloway	Peterman
Arza	Dean	Homan	Pickens
Attkisson	Detert	Hukill	Planas
Barreiro	Domino	Jennings	Poppell
Baxley	Evers	Johnson	Porth
Bean	Farkas	Jordan	Proctor
Bendross-Mindingall	Fields	Joyner	Quinones
Bense	Flores	Justice	Reagan
Benson	Galvano	Kendrick	Rice
Berfield	Gannon	Kravitz	Richardson
Bilirakis	Garcia	Kreegel	Rivera
Bogdanoff	Gardiner	Kyle	Robaina
Bowen	Gelber	Legg	Roberson
Brandenburg	Gibson, A.	Littlefield	Ross
Brown	Gibson, H.	Llorente	Rubio
Brummer	Glorioso	Lopez-Cantera	Russell
Bucher	Goldstein	Machek	Ryan
Bullard	Goodlette	Mahon	Sands
Cannon	Gottlieb	Mayfield	Sansom
Carroll	Grant	McInvale	Seiler
Clarke	Greenstein	Meadows	Simmons
Coley	Grimsley	Mealor	Slosberg
Cretul	Harrell	Murzin	Smith

Sobel	Stargel	Troutman	Williams
Sorensen	Taylor	Vana	Zapata
Stansel	Traviesa	Waters	

Nays—None

Votes after roll call:

Yeas—Ambler, Antone

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 846 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Ways and Means and Senator Carlton—

CS for SB 846—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

Representative Berfield offered the following:

(Amendment Bar Code: 943307)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. All economic collective bargaining issues at impasse for the 2006-2007 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in House Bill 5001, 2006 Regular Session, and the relevant provisions of any legislation enacted to implement House Bill 5001.

Section 2. All noneconomic collective bargaining issues at impasse for the 2006-2007 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved consistent with the personnel rules in effect on March 21, 2006, and the relevant provisions of any legislation modifying the terms and conditions of state employment.

Section 3. This act shall take effect January 1, 2007.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 846 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 756

Speaker Bense in the Chair.

Yeas—113

Adams	Anderson	Barreiro	Bendross-Mindingall
Altman	Arza	Baxley	Bense
Ambler	Attkisson	Bean	Benson

Berfield	Gannon	Kreegel	Robaina
Bilirakis	Garcia	Kyle	Roberson
Bogdanoff	Gardiner	Legg	Ross
Bowen	Gelber	Littlefield	Rubio
Brandenburg	Gibson, A.	Llorente	Russell
Brown	Gibson, H.	Lopez-Cantera	Ryan
Brummer	Glorioso	Machek	Sands
Bucher	Goldstein	Mahon	Sansom
Bullard	Goodlette	Mayfield	Seiler
Cannon	Gottlieb	McInvale	Simmons
Carroll	Grant	Meadows	Slosberg
Clarke	Greenstein	Mealor	Smith
Coley	Grimsley	Murzin	Sobel
Cretul	Harrell	Needelman	Sorensen
Culp	Hasner	Negron	Stansel
Cusack	Hays	Patterson	Stargel
Davis, D.	Henriquez	Peterman	Taylor
Davis, M.	Holloway	Pickens	Traviesa
Dean	Homan	Planas	Troutman
Detert	Jennings	Poppell	Vana
Domino	Johnson	Porth	Waters
Evers	Jordan	Quinones	Williams
Farkas	Joyner	Reagan	Zapata
Fields	Justice	Rice	
Flores	Kendrick	Richardson	
Galvano	Kravitz	Rivera	

Nays—None

Votes after roll call:

Yeas—Antone, Hukill, Proctor

So the bill passed, as amended, and was certified to the Senate.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 848 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Ways and Means and Senator Carlton—

CS for SB 848—A bill to be entitled An act relating to state buildings and facilities; amending s. 255.249, F.S.; requiring that the department annually report to the Executive Office of the Governor and the Legislature certain information concerning leases that are due to expire and any amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring that specified clauses be included in the terms and conditions of a lease which may not be amended, supplemented, or waived; amending s. 255.25, F.S.; requiring that the Department of Management Services approve the terms of any lease by a state agency; requiring an analysis if the department approves an amendment or supplement to or waiver of a term or condition of a lease agreement; requiring that the department conduct a cost-benefit analysis and obtain specific legal authority before entering into certain leases; providing requirements for the analysis; providing legislative intent with respect to the use of state-owned buildings; requiring that the Department of Management Services create a plan for fully using such buildings before leasing private buildings; requiring an annual report to the Legislature and the Governor; amending s. 255.503, F.S.; requiring that the department provide an analysis to the Legislature, the Governor, and State Board of Administration before recommending or taking action to dispose of a facility within the Florida Facilities Pool; providing for a delay in such disposition if the President of the Senate or the Speaker of the House of Representatives objects within a specified time; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 135091)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 848 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 757

Speaker Bense in the Chair.

Yeas—116

Adams	Davis, D.	Hukill	Proctor
Allen	Davis, M.	Jennings	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Anderson	Domino	Joyner	Richardson
Arza	Evers	Justice	Rivera
Attkisson	Farkas	Kendrick	Robaina
Barreiro	Fields	Kravitz	Roberson
Baxley	Flores	Kreegel	Ross
Bean	Galvano	Kyle	Rubio
Bendross-Mindingall	Gannon	Legg	Russell
Bense	Garcia	Littlefield	Ryan
Benson	Gardiner	Llorente	Sands
Berfield	Gelber	Lopez-Cantera	Sansom
Bilirakis	Gibson, A.	Machek	Seiler
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Slosberg
Brandenburg	Goldstein	McInvale	Smith
Brown	Goodlette	Meadows	Sobel
Brummer	Gottlieb	Mealor	Sorensen
Bucher	Grant	Murzin	Stansel
Bullard	Greenstein	Needelman	Stargel
Cannon	Grimsley	Negron	Taylor
Carroll	Harrell	Patterson	Traviesa
Clarke	Hasner	Peterman	Troutman
Coley	Hays	Pickens	Vana
Cretul	Henriquez	Planas	Waters
Culp	Holloway	Poppell	Williams
Cusack	Homan	Porth	Zapata

Nays—None

Votes after roll call:

Yeas—Antone

So the bill passed, as amended, and was certified to the Senate.

Motion

On motion by Rep. Negron, the House requested that the Senate pass **SB 2700, SB 2702, CS for SB 390, CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846, and CS for SB 848**, as amended by the House, or, failing to pass, agree to the appointment of a conference committee.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense
Speaker, House of Representatives

April 10, 2006

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Tuesday, April 18, 2006. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 567 CS - Kyle, Rivera, & others
Notaries Public

HB 113 CS - Negron, Allen, & others
Judges

HB 705 CS - Littlefield
Surplus State Lands

HB 641 CS - Russell, Attkisson, & others
Animal Service Providers

HB 351 CS - Lopez-Cantera, Legg
Community Residential Homes

HB 1611 CS - Goldstein, Sobel
Practice of Architecture and Interior Design

HB 1249 CS - Kendrick
Funding for Oyster Management and Restoration Programs in
Apalachicola Bay and Other Areas

HB 125 CS - Evers, Allen, & others
Voter Registration

HB 261 - Stansel, Kendrick, & others
Florida Incentive-based Permitting Act

HB 699 CS - Negron, Carroll, & others
Health Care Practitioners

HB 355 CS - Evers, Brown, & others
Termination of Insurance Appointments

HB 7019 CS - Civil Justice Committee, Mahon
Mediation

HB 7051 - Elder & Long-Term Care Committee, Gibson, H.
Certificates of Need

HB 7105 - Finance & Tax Committee, Brummer, & others
Taxation of Alcoholic Beverages

HB 7045 CS - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding
Supplemental Rebate Agreements

HB 7047 - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding
the Tobacco Settlement Agreement

HB 7049 - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding
the Florida Surplus Lines Service Office

HB 7061 - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding
Deferred Presentment Providers

HB 7063 - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding
the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute

HB 7111 CS - Governmental Operations Committee, Rivera
Review Under the Open Government Sunset Review Act regarding
Interference with Custody

HB 7113 - Governmental Operations Committee, Rivera

Review under the Open Government Sunset Review Act regarding the Public Records Exemption for the Interference with Custody Statute

HB 7115 - Governmental Operations Committee, Rivera
Review under the Open Government Sunset Review Act regarding Autopsy Photographs and Video and Audio Recordings

HB 7161 CS - Governmental Operations Committee, Rivera
Public Records Exemption for Alternative Investments

II. Consideration of the following bills:

HB 109 CS - Anderson, Clarke, & others
Temporary Custody of a Child by an Extended Family Member

HB 411 - Roberson
Psychotherapist-Patient Privilege

HB 3 - Berfield, Goldstein, & others
Florida Birth-Related Neurological Injury Compensation Plan

HB 1027 CS - Hasner, Coley, & others
Biomedical Research

HB 157 CS - Littlefield, Ambler, & others
Homestead Assessments

HB 341 - Dean
Citrus/Hernando Waterways Restoration Council

HB 47 CS - Greenstein, Antone, & others
Hurricane Preparedness

HB 189 CS - Williams, Allen, & others
Building Designations

HB 61 CS - Quinones, Bogdanoff, & others
Testing of DNA Evidence

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the rules were waived and HB 189 and CS for SB 162 were removed from the Special Order Calendar for April 18.

On motion by Rep. Goodlette, the rules were waived and the above report was adopted, as amended.

Motions Relating to Council and Committee References

On motion by Rep. Goodlette, by the required two-thirds vote, HB 1201, HB 1383, and HR 9093 were withdrawn from further consideration of the House.

On motion by Rep. Goodlette, by the required two-thirds vote, HB 449 was withdrawn from the Growth Management Committee and remains referred to the Commerce Council; HB 1531 was withdrawn from the Water & Natural Resources Committee and placed on the Calendar of the House; and HB 7217 was withdrawn from the Civil Justice Committee and remains referred to the Health & Families Council.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Farkas, **HB 73** was temporarily postponed.

Special Orders

HB 567—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; requiring notaries public to charge fees per notarized signature; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; providing an effective date.

The Justice Council recommended the following:

HB 567 CS—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing an exception; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BARREIRO IN THE CHAIR

On motion by Rep. Kyle, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Kyle offered the following:

(Amendment Bar Code: 699713)

Amendment 1 (with title amendment)—Between lines 68 and 69 and insert:

Section 3. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement and correctional officers.--Law enforcement officers, correctional officers, and correctional probation officers, as defined in s. 943.10, and traffic accident investigation officers and traffic infraction enforcement officers, as described in s. 316.640, are authorized to administer oaths when engaged in the performance of official duties. Sections 117.01, 117.04, 117.045, 117.05, 117.071, and 117.103 do not apply to the provisions of this section. An officer may not notarize his or her own signature.

===== T I T L E A M E N D M E N T =====

Remove line 17 and insert:

Governor; amending s. 117.10, F.S.; providing an exemption for certain law enforcement officers; providing an effective date.

Rep. Kyle moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 113—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing an effective date.

The Judiciary Appropriations Committee recommended the following:

HB 113 CS—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits;

amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of appellate court judges in certain appellate districts; providing appropriations and authorizing positions; providing effective dates.

—was read the second time by title.

Representative Baxley offered the following:

(Amendment Bar Code: 826113)

Amendment 1 (with directory amendment)—Remove lines 53-109 and insert:

(41) Marion	<u>5</u> 4
(48) Orange	<u>17</u> 46
(51) Pasco	<u>6</u> 5
(52) Pinellas	<u>17</u> 45

Section 3. Effective December 1, 2006, subsections (1), (4), (5), (7), (9) through (13), (17), and (20) of section 26.031, Florida Statutes, as amended by section 1 of chapter 2005-356, Laws of Florida, and as amended by this act, are amended to read:

26.031 Judicial circuits; number of judges.--The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	<u>24</u> 23
(4) Fourth	<u>35</u> 33
(5) Fifth	<u>32</u> 30
(7) Seventh	<u>28</u> 27
(9) Ninth	<u>43</u> 44
(10) Tenth	<u>28</u> 27
(11) Eleventh	<u>81</u> 79
(12) Twelfth	<u>21</u> 20
(13) Thirteenth	<u>45</u> 43
(17) Seventeenth	<u>59</u> 57
(20) Twentieth	<u>31</u> 27

Section 4. Effective December 1, 2006, subsections (5), (6), (15), (35), (43), and (48) through (53) of section 34.022, Florida Statutes, as amended by section 2 of chapter 2005-356, Laws of Florida, and as amended by this act, are amended to read:

34.022 Number of county court judges for each county.--The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(5) Brevard	<u>12</u> 44
(6) Broward	<u>33</u> 31
(15) Duval	<u>17</u> 46
(35) Lee	<u>8</u> 7
(43) Miami-Dade	<u>43</u> 42
(48) Orange	<u>18</u> 47
(49) Osceola	<u>4</u> 3
(50) Palm Beach	<u>19</u> 48
(51) Pasco	<u>7</u> 6
(52) Pinellas	<u>18</u> 47
(53) Polk	<u>10</u> 9

Section 5. Effective September 1, 2006, subsections (2) and (4) of section 35.06, Florida Statutes, are amended to read:

35.06 Organization of district courts of appeal.--A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, _____ District. The number of judges of each district court of appeal shall be as follows:

(2) In the second district there shall be 15 ~~44~~ judges.

(4) In the fourth district there shall be 13 ~~42~~ judges.

Section 6. One hundred and forty-nine full-time positions and 12,086,563 in associated salary rate are authorized, and the sums of \$11,653,230 in recurring funds and \$385,448 in

===== DIRECTORY AMENDMENT =====

Remove line 41 and insert:

(6), (8), (11), (41), (48), (51), and (52) of section 34.022, Florida

Rep. Baxley moved the adoption of the amendment, which was adopted.

Representatives Stansel and Jennings offered the following:

(Amendment Bar Code: 582469)

Amendment 2 (with directory amendment)—Remove lines 88-111 and insert:

(12) Columbia	<u>2</u> 4
(15) Duval	<u>17</u> 46
(35) Lee	<u>8</u> 7
(41) Marion	<u>5</u> 4
(43) Miami-Dade	<u>43</u> 42
(48) Orange	<u>18</u> 47
(49) Osceola	<u>4</u> 3
(50) Palm Beach	<u>19</u> 48
(51) Pasco	<u>7</u> 6
(52) Pinellas	<u>18</u> 47
(53) Polk	<u>10</u> 9

Section 5. Effective September 1, 2006, subsections (2) and (4) of section 35.06, Florida Statutes, are amended to read:

35.06 Organization of district courts of appeal.--A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, _____ District. The number of judges of each district court of appeal shall be as follows:

(2) In the second district there shall be 15 ~~44~~ judges.

(4) In the fourth district there shall be 13 ~~42~~ judges.

Section 6. One hundred and fifty-one full-time equivalent positions and 12,248,758 in associated salary rate are authorized, and the sums of \$11,727,792 in recurring funds and \$390,288 in nonrecurring funds are hereby appropriated from the General Revenue Fund to the state courts for the 2006-2007 fiscal year.

===== DIRECTORY AMENDMENT =====

Remove line 77 and insert:

(6), (12), (15), (35), (41), (43), and (48) through (53) of section

Rep. Stansel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 705—A bill to be entitled An act relating to surplus state lands; amending s. 253.034, F.S.; providing for reconveyance of certain state lands to certain fair associations at no cost under certain circumstances; providing for expiration; providing an effective date.

The State Resources Council recommended the following:

HB 705 CS—A bill to be entitled An act relating to surplus state lands; amending s. 253.034, F.S.; providing for reconveyance of certain state lands to certain fair associations at no cost under certain circumstances; authorizing certain agencies to remove certain improvements, fixtures, goods, wares, and merchandise from such lands within a time certain after reconveyance; providing for expiration; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 641—A bill to be entitled An act relating to animal service providers; amending s. 474.203, F.S.; providing that certain independent contractors administering certain nonmedical health care services to animals are exempt from ch. 474, F.S., relating to veterinary medical practice, subject to certain requirements; providing an effective date.

The State Resources Council recommended the following:

HB 641 CS—A bill to be entitled An act relating to animal service providers; amending s. 474.203, F.S.; providing that ch. 474, F.S., relating to veterinary medical practice, does not apply to a part-time worker or an independent contractor who is hired by an owner to provide certain services; providing an effective date.

—was read the second time by title.

Representative(s) Russell offered the following:

(Amendment Bar Code: 203009)

Amendment 1 (with title amendment)—Remove line(s) 31-41 and insert:

management and animal husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to provide farriery and manual hand floating of teeth on equines.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 2. This act shall take effect upon becoming a law and shall apply retroactively to January 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line(s) 11 and insert:

owner to provide certain services; providing for retroactive effect; providing an effective

Rep. Russell moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 351—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising definitions; requiring the sponsoring agency of a community residential home to provide certain information to a local government under certain circumstances; providing an effective date.

The Growth Management Committee recommended the following:

HB 351 CS—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising, providing, and deleting definitions; requiring the sponsoring agency of a community residential home to provide certain information and notification regarding siting requirements to a local government under certain circumstances; providing for the licensing agency to deny or nullify a license to operate a community residential home under certain circumstances; providing an effective date.

—was read the second time by title.

Representative Lopez-Cantera offered the following:

(Amendment Bar Code: 044061)

Amendment 1—Remove line 67 and insert:
section; provided, ~~however,~~ that, prior to licensure, the

Rep. Lopez-Cantera moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1611—A bill to be entitled An act relating to the practice of interior design; amending s. 481.203, F.S.; redefining the term "space planning"; amending s. 481.223, F.S.; authorizing retired interior designers to use the

title "interior designer, retired"; prohibiting a person from performing certain acts without employing a registered interior designer; providing an effective date.

The Commerce Council recommended the following:

HB 1611 CS—A bill to be entitled An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; providing a definition; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to establish rules relating to responsible supervising control; amending s. 481.223, F.S.; authorizing retired architects and interior designers to use the title "architect, retired" and "interior designer, retired," respectively; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1249—A bill to be entitled An act relating to funding for the management and restoration of Apalachicola Bay; amending s. 201.15, F.S.; authorizing the distribution of certain revenues from the excise tax on documents to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; providing for such funds to be used for oyster management and restoration in Apalachicola Bay; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration in Apalachicola Bay; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; amending ss. 72.011, 161.091, 213.05, and 213.053, F.S., to conform; providing an effective date.

The Agriculture & Environment Appropriations Committee recommended the following:

HB 1249 CS—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 201.15, F.S.; increasing the distribution of certain revenues from the excise tax on documents; authorizing the distribution of such revenues to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; providing for such funds to be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; amending s. 213.05, F.S., to conform; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 125—A bill to be entitled An act relating to voter registration; amending s. 372.574, F.S.; requiring subagents appointed by the Fish and Wildlife Conservation Commission for the sale of hunting, fishing, and trapping licenses and permits to provide individuals seeking such licenses and permits the opportunity to register to vote or to update a voter registration; requiring supervisors of elections to provide such subagents with the necessary voter registration applications; providing penalties; providing an effective date.

The Ethics & Elections Committee recommended the following:

HB 125 CS—A bill to be entitled An act relating to voter registration; creating s. 97.05831, F.S.; requiring the supervisor of elections of each county to send voter registration applications to the Fish and Wildlife Commission and its subagents; amending s. 372.561, F.S.; requiring voter registration applications to be displayed at each location where hunting,

fishing, or trapping licenses or permits are sold; requiring that applicants for hunting, fishing, or trapping licenses or permits be asked if they would like a voter registration application; requiring certain information to be provided when a person applies for a hunting, fishing, or trapping license or permit on the Internet; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Stansel, consideration of **HB 261** was temporarily postponed.

HB 699—A bill to be entitled An act relating to health care; amending ss. 458.331 and 459.015, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to establish by rule certain standards of practice and standards of care for physicians and osteopathic physicians who supervise licensed health care practitioners who are not under direct, onsite supervision by the supervising physician; providing an effective date.

The Health & Families Council recommended the following:

HB 699 CS—A bill to be entitled An act relating to health care practitioners; amending s. 456.041, F.S.; requiring advanced registered nurse practitioners to submit protocols to the Department of Health as part of practitioner profiles; amending s. 458.348, F.S.; providing requirements for the supervision of certain health care practitioners by physicians; providing definitions; providing exemptions; providing notice and review requirements relating to the referral of a patient by another practitioner; amending s. 459.008, F.S.; eliminating an option for osteopathic physicians to complete continuing education courses in end-of-life care in lieu of continuing education in AIDS/HIV; creating s. 459.025, F.S.; providing requirements for the supervision of certain health care practitioners by osteopathic physicians; providing definitions; providing exemptions; providing notice and review requirements relating to the referral of a patient by another practitioner; amending s. 464.012, F.S.; requiring certain advanced registered nurse practitioners to file protocols with the Board of Nursing; specifying requirements relating to the protocols; providing an effective date.

—was read the second time by title.

Representative(s) Negron, Clarke, and Hukill offered the following:

(Amendment Bar Code: 871967)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 456.031, Florida Statutes, is amended to read:
456.031 Requirement for instruction on domestic violence.--

(1)(a) The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, part I of chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, as part of every third biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form provided by the board, when submitting fees for every third ~~each~~ biennial renewal.

(c) The board may approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may

include the hour required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.

(d) Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of relicensure or recertification for additional licenses.

(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under s. 456.072(1)(k). In addition to discipline by the board, the licensee shall be required to complete such course.

~~(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under the appropriate chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete such requirement.~~

~~(3)(a) In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.~~

~~(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved domestic violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.~~

~~(2)(4)~~ Each board may adopt rules to carry out the provisions of this section.

~~(5) Each board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.~~

Section 2. Section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on HIV and AIDS.--

(1) The appropriate board shall require each person licensed or certified under ~~chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486~~ to complete a continuing education ~~educational~~ course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

(2) Each such licensee or certificateholder shall submit confirmation of having completed the said course required under subsection (1), on a form as provided by the board, when submitting fees for each biennial renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 456.072(1)(c). In addition to discipline by the board, the licensee shall be required to complete the course.

(6) ~~The board regulating licensees under chapter 460 shall require as a condition of granting a license under the chapters and parts specified in subsection (1) that an applicant making initial application for licensure to complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant under chapter 460 who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.~~

(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

(8) The following requirements apply to each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486:

(a) Each person shall be required by the appropriate board to complete a continuing education course described in subsection (1) no later than upon first renewal.

(b) Each person shall submit confirmation described in subsection (2) when submitting fees for first renewal.

(c) Each person shall be subject to subsections (3), (4), and (5).

(8) ~~The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.~~

(9)(a) ~~In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.~~

(b) ~~In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.~~

Section 3. Paragraph (a) of subsection (1) of section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.--

(1)(a) The Department of Health shall compile the information submitted pursuant to s. 456.039 into a practitioner profile of the applicant submitting the information, except that the Department of Health shall develop a format to compile uniformly any information submitted under s. 456.039(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 456.0391 into a practitioner profile of the applicant submitting the information. The protocol submitted pursuant to s. 464.012(3) must be included in the practitioner profile of the applicant submitting the information to obtain certification as an advanced registered nurse practitioner.

Section 4. Subsections (4) and (5) of section 458.319, Florida Statutes, are amended to read:

458.319 Renewal of license.--

(4) ~~Notwithstanding the provisions of s. 456.033, a physician may complete continuing education on end-of-life care and palliative care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.~~

(4)(a)(5)(a) Notwithstanding any provision of this chapter or chapter 456, the requirements for the biennial renewal of the license of any licensee who is a member of the Legislature shall stand continued and extended without the requirement of any filing by such a licensee of any notice or application for renewal with the board or the department and such licensee's license shall be an active status license under this chapter, throughout the period that the licensee is a member of the Legislature and for a period of 60 days after the licensee ceases to be a member of the Legislature.

(b) At any time during the licensee's legislative term of office and during the period of 60 days after the licensee ceases to be a member of the Legislature, the licensee may file a completed renewal application that shall consist solely of:

1. A license renewal fee of \$250 for each year the licensee's license renewal has been continued and extended pursuant to the terms of this subsection since the last otherwise regularly scheduled biennial renewal year and each year during which the renewed license shall be effective until the next regularly scheduled biennial renewal date;

2. Documentation of the completion by the licensee of 10 hours of continuing medical education credits for each year from the effective date of the last renewed license for the licensee until the year in which the application is filed; and

3. The information from the licensee expressly required in s. 456.039(1)(a) 1.-8. and (b), and (4)(a), (b), and (c).

(c) The department and board may not impose any additional requirements for the renewal of such licenses and, not later than 20 days after receipt of a completed application as specified in paragraph (b), shall renew the active status license of the licensee, effective on and retroactive to the last previous renewal date of the licensee's license. This ~~said~~ license renewal shall be valid until the next regularly scheduled biennial renewal date for ~~such said~~ license, and thereafter shall be subject to the biennial requirements for renewal in this chapter and chapter 456.

Section 5. Subsections (4), (5), and (6) are added to section 458.348, Florida Statutes, to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.--

(4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.--A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising physician, must comply with the standards set forth in this subsection. For the purpose of this subsection, a physician's "primary practice location" means the address reflected on the physician's profile published pursuant to s. 456.041.

(a) A physician who is engaged in providing primary health care services may not supervise more than four offices in addition to the physician's primary practice location. For the purpose of this subsection, "primary health care" means health care services that are commonly provided to patients without referral from another practitioner, including obstetrical and gynecological services, and excludes practices providing primarily dermatologic and skin care services, which include aesthetic skin care services.

(b) A physician who is engaged in providing specialty health care services may not supervise more than two offices in addition to the physician's primary practice location. For the purpose of this subsection, "specialty health care" means health care services that are commonly provided to patients with a referral from another practitioner and excludes practices providing primarily dermatologic and skin care services, which include aesthetic skin care services.

(c) A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising physician and the services offered at the office are primarily dermatologic or skin care services, which include aesthetic skin care services other than plastic surgery, must comply with the standards listed in subparagraphs 1.-4. Notwithstanding s. 458.347(4)(e)8., a physician supervising a physician assistant pursuant to this paragraph may not be required to review and cosign charts or medical records prepared by such physician assistant.

1. The physician shall submit to the board the addresses of all offices where he or she is supervising an advanced registered nurse practitioner or a physician's assistant which are not the physician's primary practice location.

2. The physician must be board-certified or board-eligible in dermatology or plastic surgery as recognized by the board pursuant to s. 458.3312.

3. All such offices that are not the physician's primary place of practice must be within 25 miles of the physician's primary place of practice or in a county that is contiguous to the county of the physician's primary place of practice. However, the distance between any of the offices may not exceed 75 miles.

4. The physician may supervise only one office other than the physician's primary place of practice except that until July 1, 2011, the physician may supervise up to two medical offices other than the physician's primary place of practice if the addresses of the offices are submitted to the board before July 1, 2006. Effective July 1, 2011, the physician may supervise only one office other than the physician's primary place of practice, regardless of when the addresses of the offices were submitted to the board.

(d) A physician who supervises an office in addition to the physician's primary practice location must conspicuously post in each of the physician's offices a current schedule of the regular hours when the physician is present in that office and the hours when the office is open while the physician is not present.

(e) This subsection does not apply to health care services provided in facilities licensed under chapter 395 or in conjunction with a college of medicine, a college of nursing, an accredited graduate medical program, or a nursing education program; offices where the only service being performed is hair removal by an advanced registered nurse practitioner or physician assistant; not-for-profit, family-planning clinics that are not licensed pursuant to chapter 390; rural and federally qualified health centers; health care services provided in a nursing home licensed under part II of chapter 400, an assisted living facility licensed under part III of chapter 400, a continuing care facility licensed under chapter 651, or a retirement community consisting of independent living units and a licensed nursing home or assisted living facility; anesthesia services provided in accordance with law; health care services provided in a designated rural health clinic; health care services provided to persons enrolled in a program designed to maintain elderly persons and persons with disabilities in a home or community-based setting; university primary care student health centers; school health clinics; or health care services provided in federal, state, or local government facilities.

(5) REQUIREMENTS FOR NOTICE AND REVIEW.--Upon initial referral of a patient by another practitioner, the physician receiving the referral must ensure that the patient is informed of the type of license held by the physician and the type of license held by any other practitioner who will be providing services to the patient. When scheduling the initial examination or consultation following such referral, the patient may decide to see the physician or any other licensed practitioner supervised by the physician and, before the initial examination or consultation, shall sign a form indicating the patient's choice of practitioner. The supervising physician must review the medical record of the initial examination or consultation and ensure that a written report of the initial examination or consultation is furnished to the referring practitioner within 10 business days following the completion of the initial examination or consultation.

(6) LIMITATION ON RULEMAKING.--This section is self-executing and does not require or provide authority for additional rulemaking.

Section 6. Subsection (5) of section 459.008, Florida Statutes, is repealed.

Section 7. Section 459.025, Florida Statutes, is created to read:

459.025 Formal supervisory relationships, standing orders, and established protocols; notice; standards.--

(1) NOTICE.--

(a) When an osteopathic physician enters into a formal supervisory relationship or standing orders with an emergency medical technician or paramedic licensed pursuant to s. 401.27, which relationship or orders contemplate the performance of medical acts, or when an osteopathic physician enters into an established protocol with an advanced registered nurse practitioner, which protocol contemplates the performance of medical acts identified and approved by the joint committee pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3) and (4), the osteopathic physician shall submit notice to the board. The notice must contain a statement in substantially the following form:

I, (name and professional license number of osteopathic physician), of (address of osteopathic physician) have hereby entered into a formal supervisory relationship, standing orders, or an established protocol with (number of persons) emergency medical technician(s), (number of persons) paramedic(s), or (number of persons) advanced registered nurse practitioner(s).

(b) Notice shall be filed within 30 days after entering into the relationship, orders, or protocol. Notice also shall be provided within 30 days after the

osteopathic physician has terminated any such relationship, orders, or protocol.

(2) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All protocols relating to electrolysis or electroly using laser or light-based hair removal or reduction by persons other than osteopathic physicians licensed under this chapter or chapter 458 shall require the person performing such service to be appropriately trained and to work only under the direct supervision and responsibility of an osteopathic physician licensed under this chapter or chapter 458.

(3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.--An osteopathic physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the osteopathic physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising osteopathic physician, must comply with the standards set forth in this subsection. For the purpose of this subsection, an osteopathic physician's "primary practice location" means the address reflected on the physician's profile published pursuant to s. 456.041.

(a) An osteopathic physician who is engaged in providing primary health care services may not supervise more than four offices in addition to the osteopathic physician's primary practice location. For the purpose of this subsection, "primary health care" means health care services that are commonly provided to patients without referral from another practitioner, including obstetrical and gynecological services, and excludes practices providing primarily dermatologic and skin care services, which include aesthetic skin care services.

(b) An osteopathic physician who is engaged in providing specialty health care services may not supervise more than two offices in addition to the osteopathic physician's primary practice location. For the purpose of this subsection, "specialty health care" means health care services that are commonly provided to patients with a referral from another practitioner and excludes practices providing primarily dermatologic and skin care services, which include aesthetic skin care services.

(c) An osteopathic physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the osteopathic physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising osteopathic physician and the services offered at the office are primarily dermatologic or skin care services, which include aesthetic skin care services other than plastic surgery, must comply with the standards listed in subparagraphs 1.-4. Notwithstanding s. 459.022(4)(e)8., an osteopathic physician supervising a physician assistant pursuant to this paragraph may not be required to review and cosign charts or medical records prepared by such physician assistant.

1. The osteopathic physician shall submit to the Board of Osteopathic Medicine the addresses of all offices where he or she is supervising or has a protocol with an advanced registered nurse practitioner or a physician's assistant which are not the osteopathic physician's primary practice location.

2. The osteopathic physician must be board-certified or board-eligible in dermatology or plastic surgery as recognized by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3. All such offices that are not the osteopathic physician's primary place of practice must be within 25 miles of the osteopathic physician's primary place of practice or in a county that is contiguous to the county of the osteopathic physician's primary place of practice. However, the distance between any of the offices may not exceed 75 miles.

4. The osteopathic physician may supervise only one office other than the osteopathic physician's primary place of practice except that until July 1, 2011, the osteopathic physician may supervise up to two medical offices other than the osteopathic physician's primary place of practice if the addresses of the offices are submitted to the Board of Osteopathic Medicine before July 1, 2006. Effective July 1, 2011, the osteopathic physician may supervise only one office other than the osteopathic physician's primary place of practice, regardless of when the addresses of the offices were submitted to the Board of Osteopathic Medicine.

(d) An osteopathic physician who supervises an office in addition to the osteopathic physician's primary practice location must conspicuously post in

each of the osteopathic physician's offices a current schedule of the regular hours when the osteopathic physician is present in that office and the hours when the office is open while the osteopathic physician is not present.

(e) This subsection does not apply to health care services provided in facilities licensed under chapter 395 or in conjunction with a college of medicine or college of nursing or an accredited graduate medical or nursing education program; offices where the only service being performed is hair removal by an advanced registered nurse practitioner or physician assistant; not-for-profit, family-planning clinics that are not licensed pursuant to chapter 390; rural and federally qualified health centers; health care services provided in a nursing home licensed under part II of chapter 400, an assisted living facility licensed under part III of chapter 400, a continuing care facility licensed under chapter 651, or a retirement community consisting of independent living units and either a licensed nursing home or assisted living facility; anesthesia services provided in accordance with law; health care services provided in a designated rural health clinic; health care services provided to persons enrolled in a program designed to maintain elderly persons and persons with disabilities in a home or community-based setting; university primary care student health centers; school health clinics; or health care services provided in federal, state, or local government facilities.

(4) REQUIREMENTS FOR NOTICE AND REVIEW.--Upon initial referral of a patient by another practitioner, the osteopathic physician receiving the referral must ensure that the patient is informed of the type of license held by the osteopathic physician and the type of license held by any other practitioner who will be providing services to the patient. When scheduling the initial examination or consultation following such referral, the patient may decide to see the osteopathic physician or any other licensed practitioner supervised by the osteopathic physician and, before the initial examination or consultation, shall sign a form indicating the patient's choice of practitioner. The supervising osteopathic physician must review the medical record of the initial examination or consultation and ensure that a written report of the initial examination or consultation is furnished to the referring practitioner within 10 business days following the completion of the initial examination or consultation.

(5) LIMITATION ON RULEMAKING.--This section is self-executing and does not require or provide authority for additional rulemaking.

Section 8. Subsection (3) of section 464.012, Florida Statutes, is amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.--

(3) An advanced registered nurse practitioner shall perform those functions authorized in this section within the framework of an established protocol that is filed with the board upon biennial license renewal and within 30 days after entering into a supervisory relationship with a physician or changes to the protocol. The board shall review the protocol to ensure compliance with applicable regulatory standards for protocols. The board shall refer to the department licensees submitting protocols that are not compliant with the regulatory standards for protocols. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced registered nurse practitioner may:

- (a) Monitor and alter drug therapies.
- (b) Initiate appropriate therapies for certain conditions.
- (c) Perform additional functions as may be determined by rule in accordance with s. 464.003(3)(c).
- (d) Order diagnostic tests and physical and occupational therapy.

Section 9. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to health care practitioners; amending s. 456.031, F.S.; revising requirements for instruction of certain health care practitioners concerning domestic violence; amending s. 456.033, F.S.; revising requirements for instruction of certain health care practitioners concerning HIV and AIDS; amending s. 456.041, F.S.; requiring advanced registered nurse practitioners to submit protocols as part of practitioner profiles to the Department of Health;

amending s. 458.319, F.S.; eliminating an option for medical physicians to complete continuing education courses in end-of-life care in lieu of continuing education in AIDS/HIV; amending s. 458.348, F.S.; providing requirements for the supervision of certain health care practitioners by physicians; providing that the section is self-executing; repealing s. 459.008(5), F.S.; eliminating an option for osteopathic physicians to complete continuing education courses in end-of-life care in lieu of continuing education in AIDS/HIV; creating s. 459.025, F.S.; providing requirements for the supervision of certain health care practitioners by osteopathic physicians; requiring physicians or osteopathic physicians to supervise certain persons performing electrolysis using laser or light-based hair removal or reduction; providing that the section is self-executing; amending s. 464.012, F.S.; requiring certain advanced registered nurse practitioners to file protocols with the Board of Nursing; specifying requirements for the protocols; providing an effective date.

Rep. Negron moved the adoption of the amendment.

Representative(s) Smith and Galvano offered the following:

(Amendment Bar Code: 961793)

Amendment 1 to Amendment 1—Remove line(s) 12 and insert:
491 to complete a 2-hour ~~1-hour~~ continuing education course, approved

Rep. Smith moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Bowen offered the following:

(Amendment Bar Code: 540419)

Amendment 2 to Amendment 1—Remove line(s) 78-140 and insert:

(4) The following requirements apply to ~~appropriate board~~ shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486:

(1) Each person shall be required by the appropriate board to complete ~~no~~ later than upon first renewal a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

(2) Each ~~person~~ ~~such licensee or certificateholder~~ shall submit confirmation of having completed ~~the said course required under subsection (1),~~ on a form as provided by the board, when submitting fees for ~~first each biennial~~ renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 456.072(1)(e). In addition to discipline by the board, the licensee shall be required to complete the course.

~~(6) The board shall require as a condition of granting a license under the chapters and parts specified in subsection (1) that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.~~

~~(7) The board shall have the authority to adopt rules to carry out the provisions of this section.~~

Rep. Bowen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Grimsley offered the following:

(Amendment Bar Code: 068327)

Amendment 3 to Amendment 1 (title amendment)—Between line(s) 501 and 502, insert:

Section 9. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall review chapter 464, Florida Statutes, and accompanying rules to identify barriers to reducing the state's nursing shortage. OPPAGA shall consult with appropriate legislative committee staff to identify specific issues to address. OPPAGA shall report its findings to the President of the Senate and the Speaker of the House of Representatives by March 1, 2007.

===== T I T L E A M E N D M E N T =====

Remove line(s) 534 and insert:
requirements for the protocols; requiring the Office of Program Policy Analysis and Government Accountability to review and identify specified issues and report its findings; providing an effective

Rep. Grimsley moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 355—A bill to be entitled An act relating to termination of insurance appointments; amending s. 626.471, F.S.; increasing a period of advance written notice of intention to terminate required to be provided by appointing entities to appointees under a contract; deleting an exception to provide otherwise by contract; providing an effective date.

The Insurance Committee recommended the following:

HB 355 CS—A bill to be entitled An act relating to termination of insurance appointments; amending s. 626.471, F.S.; increasing a period of advance written notice of intention to terminate required to be provided by appointing entities to appointees under a contract; providing an effective date.

—was read the second time by title.

Representative(s) Evers offered the following:

(Amendment Bar Code: 153563)

Amendment 1 (with title amendment)—Remove lines 22-31, and insert: and except as provided by contract between the appointing entity and the appointee, the appointing entity shall give at least 120 60 days' advance written notice of its intention to terminate such appointment to the appointee, either by delivery thereof to the appointee in person or by mailing it, postage prepaid, addressed to the appointee at his or her last address of record with the appointing entity. Notice so mailed shall be deemed to have been given when deposited in a United States Postal Service mail depository. For any

appointment contract entered into, renewed, or amended on or after July 1, 2006, which does not specify a termination notice period, the 120-day advance written notice required by this subsection shall apply.

===== T I T L E A M E N D M E N T =====

Remove line 10 and insert:

contract; providing for application to certain contracts not specifying a termination notice period; providing an effective date.

Rep. Evers moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7019—A bill to be entitled An act relating to mediation; amending s. 44.1011, F.S.; revising, creating, and deleting definitions; creating s. 44.1015, F.S.; providing standards for conduct of mediation; providing for the role of the mediator and counsel in specified mediations; amending s. 44.102, F.S.; requiring referral of certain cases to mediation; prohibiting certain cases from being referred to mediation; requiring the Supreme Court to maintain a list of certified mediators; amending s. 44.108, F.S.; providing that no mediation fee is required in certain cases; amending s. 61.183, F.S.; requiring mediation in certain family law cases; providing an effective date.

The Judiciary Committee recommended the following:

HB 7019 CS—A bill to be entitled An act relating to mediation; amending s. 44.1011, F.S.; revising, creating, and deleting definitions; creating s. 44.1015, F.S.; providing standards for conduct of mediation; providing for the role of the mediator and counsel in specified mediations; amending s. 44.102, F.S.; requiring referral of certain cases to mediation; prohibiting certain cases from being referred to mediation; requiring the Supreme Court to maintain a list of certified mediators; amending s. 44.108, F.S.; exempting certain parties from mediation fees in certain cases; amending s. 61.183, F.S.; requiring mediation in certain family law cases; providing an effective date.

—was read the second time by title.

Representative Mahon offered the following:

(Amendment Bar Code: 104927)

Amendment 1—Remove lines 115-117 and insert:
conducted by the parties. If a party is represented by counsel, the counsel of record must appear unless stipulated to by the parties or otherwise ordered by the court. However, presence of counsel is not required in mediation where the action comes under the Florida Small Claims Rules.

Rep. Mahon moved the adoption of the amendment, which was adopted.

Representative Mahon offered the following:

(Amendment Bar Code: 920309)

Amendment 2—Remove lines 170-172 and insert:
shall maintain a list of certified mediators ~~who have been certified by the Supreme Court and who have registered for appointment in that circuit.~~

Rep. Mahon moved the adoption of the amendment, which was adopted.

Representative Mahon offered the following:

(Amendment Bar Code: 389653)

Amendment 3—Remove line 222 and insert:
child are contested, the court shall make referrals ~~may refer the parties to~~

Rep. Mahon moved the adoption of the amendment, which was adopted.

On motion by Rep. Mahon, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 901283)

Amendment 4—Delete lines 73-74 and insert:

20. Alimony.

21. Modification and enforcement of orders entered in matters listed in this paragraph.

Rep. Mahon moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7051—A bill to be entitled An act relating to certificates of need; transferring, renumbering, and amending s. 651.1185, F.S.; extending the moratorium on certificates of need for additional community nursing home beds until July 1, 2011; specifying nonapplication of a moratorium for the addition of nursing home beds in certain specified facilities; providing requirements and limitations; providing for repeal upon expiration of the moratorium; amending s. 408.040, F.S.; authorizing nursing homes in certain counties to request a reduction in their annual Medicaid patient days; requiring the Agency for Health Care Administration to automatically grant such a request if the nursing home meets certain conditions; providing for future repeal; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7105—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7045—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding supplemental rebate agreements; amending s. 409.91196, F.S., which provides an exemption from public records requirements for the rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate held by the Agency for Health Care Administration relative to a preferred drug list established by the agency and an exemption from public meetings requirements for that portion of a meeting of the Medicaid Pharmaceutical and Therapeutics Committee at which such rebate amounts, percent of rebates, manufacturer's pricing, and supplemental rebates are discussed; making editorial changes; removing superfluous language; requiring that a record of an exempt portion of a meeting be made and maintained; removing the scheduled repeal of the exemption; providing an effective date.

The State Administration Council recommended the following:

HB 7045 CS—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding supplemental rebate agreements; amending s. 409.91196, F.S., which provides an exemption from public records requirements for the rebate amount, percent of rebate, manufacturer's pricing, supplemental rebate, and other trade secrets held by the Agency for Health Care Administration relative to a preferred drug list

established by the agency and an exemption from public meetings requirements for that portion of a meeting of the Medicaid Pharmaceutical and Therapeutics Committee at which such rebate amounts, percent of rebates, manufacturer's pricing, supplemental rebates, or other trade secrets are discussed; making editorial changes; removing superfluous language; requiring that a record of an exempt portion of a meeting be made and maintained; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7047—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the tobacco settlement agreement; amending s. 569.215, F.S., which provides an exemption from public records requirements for proprietary confidential business information received by the Governor, the Attorney General, or outside counsel representing the State of Florida in negotiations for settlement payments pursuant to the settlement agreement in the case of State of Florida et al. v. American Tobacco Company et al., or received by the Chief Financial Officer or the Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement; clarifying the definition of "trade secrets" for purposes of the exemption; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7049—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Surplus Lines Service Office; amending s. 626.921, F.S., which provides an exemption from public records requirements for information furnished to the Department of Financial Services by surplus lines agents, information contained in records of surplus lines agents subject to examination by the department, and information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7061—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding deferred presentment providers; amending s. 560.4041, F.S., which provides an exemption from public records requirements for information that identifies a drawer or a deferred presentment provider contained in the database for deferred presentment providers maintained by the Office of Financial Regulation of the Financial Services Commission; making clarifying and editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7063—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S., which provides an exemption from public records requirements for personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute and held by the institute, the University of South Florida, or the State Board of Education, medical or health records relating to patients held by the institute, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research, personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous, and any

information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; narrowing the exemption; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7111—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the offense of interference with custody; amending s. 787.03, F.S.; specifying that the offense of interference with custody applies to the taking of a minor; providing a penalty; revising a defense to the offense of interference with custody for a defendant who is a victim of actual or imminent domestic violence to provide that the defendant's reasonable belief that the interference was necessary to escape from, or protect himself or herself from, domestic violence or to preserve a minor or incompetent person from exposure to domestic violence constitutes a defense; revising a defense to the offense of interference with custody when a minor or incompetent person instigates his or her own taking to require a showing that it was reasonable for the defendant to rely upon the instigating acts; broadening an exception to the offense of interference with custody; specifying that the offense is inapplicable to cases involving certain persons who have a legal right to custody of a minor or an incompetent person who take the minor or incompetent person and follow prescribed procedures; including the taking of an incompetent person within provisions governing the exception to the offense; making editorial changes; reenacting s. 61.45(6)(b), F.S., relating to a court order of visitation or custody, and s. 933.18(7)(a), F.S., relating to instances in which a warrant may be issued for search of private dwelling, for the purpose of incorporating the amendment to s. 787.03, F.S., in references thereto; reenacting and amending s. 921.0022(3)(d), F.S.; revising a reference to the offense of interference with custody within the offense severity ranking chart of the Criminal Punishment Code to conform; providing an effective date.

The Civil Justice Committee recommended the following:

HB 7111 CS—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the offense of interference with custody; amending s. 787.03, F.S.; specifying that the offense of interference with custody applies to the taking of a minor; providing a penalty; revising a defense to the offense of interference with custody for a defendant who is a victim of actual or imminent domestic violence to provide that the defendant's reasonable belief that the interference was necessary to escape from, or protect himself or herself from, domestic violence or to preserve a minor or incompetent person from exposure to domestic violence constitutes a defense; revising a defense to the offense of interference with custody when a minor or incompetent person instigates his or her own taking to require a showing that it was reasonable for the defendant to rely upon the instigating acts; broadening an exception to the offense of interference with custody; specifying that the offense is inapplicable to cases involving certain persons who have a legal right to custody of a minor or an incompetent person who take the minor or incompetent person and follow prescribed procedures; including the taking of an incompetent person within provisions governing the exception to the offense; making editorial changes; reenacting s. 61.45(6)(b), F.S., relating to a court order of visitation or custody, and s. 933.18(7)(a), F.S., relating to instances in which a warrant may be issued for search of private dwelling, for the purpose of incorporating the amendment to s. 787.03, F.S., in references thereto; reenacting and amending s. 921.0022(3)(d), F.S.; revising a reference to the offense of interference with custody within the offense severity ranking chart of the Criminal Punishment Code to conform; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7113—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the public records exemption for

the interference with custody statute; amending s. 787.03, F.S.; expanding the public records exemption for specified information contained in a report made to a sheriff or state attorney as part of a statutory exception to the offense of interference with custody; providing that the address and telephone number of a minor or incompetent person contained in such report is confidential and exempt from public records requirements; providing an exception to the exemption; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7161—A bill to be entitled An act relating to a public records exemption for alternative investments; amending s. 215.44, F.S.; providing definitions; defining "proprietary confidential business information" and specifying information which does not constitute proprietary confidential business information; creating an exemption from public records requirements for proprietary confidential business information held by the State Board of Administration regarding alternative investments; providing for limited duration of the exemption; providing for retroactive application of the exemption; authorizing the inspection and copying of confidential and exempt records if the proprietor of the information fails to verify that a record contains certain information within a specified period of time; authorizing a court to order the release of confidential and exempt records upon making certain findings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

The State Administration Council recommended the following:

HB 7161 CS—A bill to be entitled An act relating to a public records exemption for alternative investments; amending s. 215.44, F.S.; providing definitions; defining "proprietary confidential business information" and specifying information which does not constitute proprietary confidential business information; creating an exemption from public records requirements for proprietary confidential business information held by the State Board of Administration regarding alternative investments; providing for limited duration of the exemption; providing for retroactive application of the exemption; authorizing the inspection and copying of confidential and exempt records if the proprietor of the information fails to verify that a record contains certain information within a specified period of time; authorizing a court to order the release of confidential and exempt records upon making certain findings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Motion

On motion by Rep. Sorensen, the rules were waived and the privilege of the floor was granted to Matthew Sorensen, son of Representative Ken Sorensen.

The Speaker recognized Matthew Sorensen to approach the well, where he gave brief remarks.

Recognition

The Speaker recognized Rep. Sorensen to approach the well, where he gave brief farewell remarks.

Motion

Rep. Planas moved that Rep. Sorensen's farewell remarks be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Chair of the Rules & Calendar Council.

Special Orders

HB 109 was taken up. On motion by Rep. Anderson, the rules were waived and CS for CS for SB 118 was substituted for HB 109. Under Rule 5.14, the House bill was laid on the table.

CS for CS for SB 118—A bill to be entitled An act relating to temporary custody of a child by an extended family member; amending s. 751.01, F.S.; removing provisions related to putative fathers; amending s. 751.011, F.S.; defining the term "extended family member"; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member; providing that only an extended family member may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; authorizing a court to redirect child support payments to an extended family member; requiring that, if possible, the court order payment of arrearages; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

—was read the second time by title.

Representative(s) Anderson offered the following:

(Amendment Bar Code: 222603)

Amendment 1 (with title amendment)—On page 2, line 27, through page 3, line 10, remove: all of said lines

and insert:

Section 2. Section 751.011, Florida Statutes, is amended to read:
751.011 Definitions.--As used in ss. 751.01-751.05, the term:

(1) "extended family member" is any person who is:

(1) A relative within the third degree by blood or marriage to the parent; or
(2) The stepparent of a child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child's parents as an adverse party family composed of the minor child and a relative of the child who is the child's brother, sister, grandparent, aunt, uncle, or cousin.

(2) "Putative father" is a man who reasonably believes himself to be the biological father of the minor child, but who is unable to prove his paternity due to the absence of the mother of the child.

===== TITLE AMENDMENT =====

On page 1, between lines 6 and 7, insert:

removing the definition of the term "putative father";

Rep. Anderson moved the adoption of the amendment, which was adopted.

Representative(s) Anderson offered the following:

(Amendment Bar Code: 498289)

Amendment 2 (with directory and title amendments)—On page 6, line 7, remove: all of said line

and insert:

~~(6) The order granting temporary custody of a minor child to a putative father must not include a determination of the paternity of the child.~~

~~(6)(7) At any time, either or both of the child's parents~~

===== DIRECTORY AMENDMENT =====

On page 5, line 11, remove: all of said line

and insert:

Section 5. Subsections (5), (6), and (7) of section 751.05,

===== TITLE AMENDMENT =====

On page 1, line 19, remove: all of said line

and insert:

order payment of arrearages; removing reference to an order granting temporary custody of a minor child to a putative father; providing that

Rep. Anderson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 47—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; providing an exception; prohibiting purchases of certain building materials by certain means; specifying certain activities by certain entities as unfair methods of competition; providing civil penalties; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing an effective date.

The Fiscal Council recommended the following:

HB 47 CS—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for certain periods; providing an exception for sales within certain facilities; authorizing the Department of Revenue to adopt certain rules; providing appropriations; providing for reversion and reappropriation of a certain unexpended balance; providing an effective date.

—was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 983277)

Amendment 1 (with title amendment)—Remove line 18 and insert:
2006, no tax levied

===== TITLE AMENDMENT =====

Remove line 8 and insert:

tangible personal property for a certain period; providing

Rep. Brummer moved the adoption of the amendment, which was adopted.

On motion by Rep. Brummer, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 039391)

Amendment 2—Remove line 48 and insert:
items listed in paragraphs (a)-(l), or other tax-exempt items.

Rep. Brummer moved the adoption of the amendment, which was adopted.

Representative Brummer offered the following:

(Amendment Bar Code: 356349)

Amendment 3 (with title amendment)—Remove line 58-69 and insert:

Section 2. For the 2005-2006 fiscal year, the sum of \$277,540 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the sales tax exemption authorized by section 1 during the 2006 calendar year. On June 30, 2006, the unexpended balance of this appropriation shall revert to the General Revenue Fund.

===== T I T L E A M E N D M E N T =====

Remove line 11 and insert:

rules; providing an appropriation; providing for reversion

Rep. Brummer moved the adoption of the amendment.

On motion by Rep. Brummer, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Brummer offered the following:

(Amendment Bar Code: 237133)

Amendment 1 to Amendment 3—Remove line 10 and insert: appropriation shall revert to the General Revenue Fund and shall be reappropriated to the Department of Revenue for the 2006-2007 fiscal year for the purpose of the original appropriation.

Rep. Brummer moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted.

On motion by Rep. Greenstein, the rules were waived and HB 47 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 758

Speaker Bense in the Chair.

Yeas—117

Adams	Cusack	Jennings	Reagan
Allen	Davis, D.	Johnson	Rice
Altman	Davis, M.	Jordan	Richardson
Ambler	Dean	Joyner	Rivera
Anderson	Detert	Justice	Robaina
Antone	Domino	Kendrick	Roberson
Arza	Evers	Kravitz	Ross
Attkisson	Farkas	Kreegel	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Galvano	Littlefield	Sands
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Lopez-Cantera	Seiler
Bense	Gardiner	Machek	Simmons
Benson	Gelber	Mahon	Slosberg
Berfield	Gibson, A.	Mayfield	Smith
Bilirakis	Gibson, H.	McInvale	Sobel
Bogdanoff	Glorioso	Meadows	Sorensen
Bowen	Goldstein	Mealor	Stansel
Brandenburg	Goodlette	Murzin	Stargel
Brown	Grant	Needelman	Taylor
Brummer	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Bullard	Harrell	Peterman	Vana
Cannon	Hasner	Pickens	Waters
Carroll	Hays	Planas	Williams
Clarke	Henriquez	Poppell	Zapata
Coley	Holloway	Porth	
Cretul	Homan	Proctor	
Culp	Hukill	Quinones	

Nays—1

Gottlieb

So the bill passed, as amended. On motion by Rep. Greenstein, the rules were waived and the bill was immediately certified to the Senate after engrossment.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 11:00 a.m., Wednesday, April 19, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

First Reading by Publication

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 258, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Transportation and Economic Development Appropriations, Transportation and Senators Alexander, Aronberg, Hill and Atwater—

CS for CS for SB 258—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing a presumption for injuries sustained by a worker in a vehicle; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide copies of accident reports to the Department of Business and Professional Regulation; amending s. 318.18, F.S.; creating a penalty for violations regarding farm labor vehicles; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport farm workers; requiring the display of the sticker; amending s. 318.21, F.S.; providing for the disposition of fines levied for specified violations of s. 316.622, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 738 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health Care and Senators Diaz de la Portilla and Bullard—

CS for SB 738—A bill to be entitled An act relating to motor vehicle registration forms; requiring the application form to be revised to allow each applicant to make a contribution to the Miami Heart Research Institute, Inc., doing business as the Florida Heart Research Institute; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1170 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Aronberg—

CS for SB 1170—A bill to be entitled An act relating to the Florida Trust Code; creating parts I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII of chapter 736, F.S.; providing a short title; providing general provisions and definitions; providing for judicial proceedings; providing for representations; providing for creation, validity, modification, and termination of trusts; providing for creditors' claims; providing for spendthrift, discretionary, and revocable trusts; providing for the office of trustee; providing for powers and duties of the trustee; providing for trust investments; providing for liability of trustee and rights of persons dealing with trustee; providing for rules of construction; providing for charitable trusts; providing miscellaneous provisions; creating s. 518.117, F.S.; authorizing investment of certain fiduciary funds by certain fiduciaries; amending s. 660.25, F.S.; providing a definition of the term "investment instrument"; amending s. 660.417, F.S.; revising provisions relating to investment of fiduciary funds in investment instruments by certain banks or trust companies; creating s. 689.175, F.S.; abolishing the worthier title doctrine; providing construction of certain instrument language; amending s. 731.103, F.S.; correcting a cross-reference; providing construction relating to establishment of death by certain evidence under certain circumstances; creating s. 731.1035, F.S.; providing for application of rules of evidence in civil actions to certain proceedings; amending s. 731.201, F.S.; revising definitions; conforming terms and correcting cross-references; amending s. 731.303, F.S.; specifying nonapplication of certain orders relating to powers of revocation and powers of appointment; revising provisions relating to representation by a holder of a power of appointment; amending s. 732.513, F.S.; deleting a ground protecting a devise's validity; amending s. 732.603, F.S.; revising provisions relating to antilapse, deceased devisees, and class gifts; amending s. 744.331, F.S.; revising provisions relating to orders determining incapacity; amending s. 744.441, F.S.; revising authority of certain guardians to prosecute or defend claims or proceedings for certain purposes; specifying duties of a court; creating s. 744.462, F.S.; providing requirements for judicial determinations relating to alternatives to guardianship; providing duties of a court; amending ss. 497.458, 607.0802, 617.0802, 660.46, 660.418, 689.071, 689.075, 709.08, 721.08, 721.53, 732.2075, 732.604, 732.611, 733.212, 733.602, 733.805, 733.817, 738.104, 738.1041, 738.202, 739.102, and 744.361, F.S., to conform terms and correct cross-references; repealing ss. 737.101, 737.105, 737.106, 737.111, 737.115, and 737.116, constituting part I of ch. 737, F.S., relating to trust registration; repealing ss. 737.201, 737.202, 737.203, 737.2035, 737.204, 737.2041, 737.205, 737.206, 737.2065, 737.207, 737.208, and 737.209, constituting part II of ch. 737, F.S., relating to jurisdiction of courts; repealing ss. 737.301, 737.302, 737.303, 737.3035, 737.304, 737.305, 737.3053, 737.3054, 737.3055, 737.306, 737.3061, 737.307, 737.308, and 737.309, constituting part III of ch. 737, F.S., relating to duties and liabilities of trustees; repealing ss. 737.401, 737.402, 737.4025, 737.403, 737.4031, 737.4032, 737.4033, 737.404, 737.405, and 737.406, constituting part IV of ch. 737, F.S., relating to powers of trustees; repealing ss. 737.501, 737.502, 737.503, 737.504, 737.505, 737.506, 737.507, 737.508, 737.509, 737.510, 737.511, and 737.512, constituting part V of ch. 737, F.S., relating to charitable trusts; repealing ss. 737.6035, 737.621, 737.622, 737.623, 737.624, 737.625, 737.626, and 737.627, consisting of part VI of ch. 737, F.S., relating to rules of construction of trust administration; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1620 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Haridopolos—

CS for SB 1620—A bill to be entitled An act relating to warranty associations; creating s. 634.042, F.S.; prohibiting a motor vehicle service agreement company from investing or lending company funds for specified purposes; amending s. 634.301, F.S.; revising a definition of "home warranty" to specify nonapplication to certain contracts or agreements; creating s. 634.3076, F.S.; prohibiting a home warranty association from investing or lending association funds for specified purposes; amending s. 634.3077, F.S.; specifying an additional requirement for contractual liability insurance purchased by a home warranty association; amending s. 634.312, F.S.; revising a prohibition against the Office of Insurance Regulation for nonapproval of certain forms; specifying cancellation requirements for home warranty contracts; providing return of premium requirements; authorizing an administrative fee; specifying refund amounts for a home warranty under certain circumstances; amending s. 634.336, F.S.; removing cancellation practices from the provisions that constitute unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.4062, F.S.; prohibiting a service warranty association from investing or lending association funds for specified purposes; repealing s. 634.345, F.S., relating to a buyer's right to cancel a home warranty; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1756 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Sebesta—

SB 1756—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; deleting the Secretary of State, Comptroller, Treasurer, and Commissioner of Education from the order of succession to the office of Governor; providing that the Chief Financial Officer shall become Governor upon vacancies in the offices of Governor, Lieutenant Governor, and Attorney General; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Ambler:

Yeas—March 29: 695

First-named Sponsors

HB 299—Hasner

Cosponsors

HB 29—Grimsley

HB 47—M. Davis, Harrell, Needelman, Sobel, Traviesa

HB 113—Goldstein, Gottlieb, Grant, Grimsley, Hukill, Sobel, Stansel

HB 125—Traviesa

HB 157—Gottlieb

HB 209—Homan

HB 217—Anderson

HB 221—Domino

HB 351—Traviesa

HJR 353—Allen

HB 411—Homan

HB 439—Domino, Holloway, Needelman

HB 491—Garcia

HB 573—Sansom

HB 625—Greenstein, Smith

HJR 631—Domino

HB 699—Grimsley

HB 713—Bullard

HB 809—Bendross-Mindingall

HB 819—Hukill

HB 831—Needelman

HB 919—Needelman

HB 955—Sansom

HB 1007—Sansom

HB 1027—Homan, Traviesa

HB 1059—Lopez-Cantera

HB 1073—Brandenburg, Greenstein, Smith

HB 1363—Berfield, Greenstein, Holloway, Waters

HB 1365—Grant

HB 1503—Llorente

HB 1611—Homan

HB 7075—Reagan

HB 7105—Homan

HB 7119—Henriquez, Llorente, Murzin

HB 7127—Domino, Needelman

HB 7149—Holloway

HB 7157—Gottlieb

HCR 8005—Henriquez

HR 9033—Homan

HR 9041—Homan

HR 9067—Homan

HR 9071—Brandenburg

HR 9077—Homan

Withdrawals as Cosponsor

HB 299—Hasner

HB 699—Grimsley

Introduction and Reference

By Representative Richardson—

HR 9101—A resolution honoring the Reverend Ernest Ferrell.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

HR 9103—A resolution honoring the memory of Charles Sampson Bing, Sr.

First reading by publication (Art. III, s. 7, Florida Constitution).

House Resolutions Adopted by Publication

At the request of Rep. Bowen—

HR 9003—A resolution honoring Samuel Bennett as the 2005 Florida Teacher of the Year.

WHEREAS, Samuel Bennett left his job as a police officer in the 1970s to attend school with one goal in mind: influencing young students in a positive way by becoming an elementary school teacher, and

WHEREAS, a skilled communicator who strives to keep learning interesting for his fifth-grade students at Winter Haven's Garner Elementary School and who places a strong emphasis on parental involvement, Mr. Bennett has a master's degree in elementary education, has 12 years of teaching experience in Polk County, and is currently a doctoral candidate in organizational leadership, and

WHEREAS, Mr. Bennett's love for his students and fellow teachers extends far beyond the classroom in that he organized efforts to help staff members whose homes suffered damage or were destroyed in the 2004 hurricanes and organized the school's Single Parent Association, a group that offers resources for single-parent households, the development of which earned him a Disney Teacherrific Award, and

WHEREAS, Samuel Bennett, known to his students as "Mr. B," was, for his outstanding efforts, named 2005 Polk County Teacher of the Year after being selected from five finalists from the ranks of 177,000 public school teachers for the state title and is currently one of four finalists for the title of National Teacher of the Year, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Samuel Bennett is recognized for being named Florida's Teacher of the Year for 2005 and for his continued dedication to his students and fellow faculty members as well as for his efforts on behalf of the young citizens who will one day become the future of the great State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Samuel Bennett as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Sobel—

HR 9009—A resolution recognizing October 5, 2006, as "ENERGY STAR Change a Light Day."

WHEREAS, the ENERGY STAR Change a Light, Change the World Campaign is a national campaign sponsored by the United States Environmental Protection Agency and the United States Department of Energy to encourage Americans to save energy by switching to more efficient ENERGY STAR lighting, and

WHEREAS, switching to light bulbs and fixtures that qualify for the ENERGY STAR designation of the Environmental Protection Agency and the Department of Energy will save energy and money while helping to protect the environment, and

WHEREAS, the Environmental Protection Agency states that ENERGY-STAR-qualified lighting requires two-thirds less energy than standard lighting, generates 70 percent less heat, and lasts up to 10 times longer, and

WHEREAS, were every household in the United States to replace just one incandescent light bulb with one that earned the ENERGY STAR label, the country could save \$600 million in energy bills, save enough energy to light 7 million homes, and prevent greenhouse gas emissions equivalent to those produced by 1 million cars, and

WHEREAS, the Environmental Protection Agency further states that if each household in the United States were to replace its five most frequently used light fixtures or bulbs with ENERGY STAR models, each household would save more than \$60 a year in energy costs, and

WHEREAS, October 5, 2005, was designated by the Environmental Protection Agency and the Department of Energy, along with partners around the country, as the first annual "ENERGY STAR Change a Light Day," and

WHEREAS, besides taking the online pledge "I pledge to do my part to save energy and help protect our environment by changing a light in my home to an ENERGY-STAR-qualified one," each Floridian may become a partner in the ENERGY STAR Change a Light Campaign by helping, in a wide variety of ways, to publicize the ENERGY STAR Change a Light Campaign and Pledge; for example, by adding a link to the ENERGY STAR Change a Light Pledge on a website, taking part in local events such as energy-efficient lighting changeouts at a historical landmark, or encouraging local leaders to become involved in ENERGY STAR Change a Light Day, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That October 5, 2006, is recognized as "ENERGY STAR Change a Light Day" and residents of this state are encouraged to take the ENERGY STAR Change a Light Pledge and to participate as partners in the ENERGY STAR Change a Light, Change the World Campaign.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Joyner—

HR 9019—A resolution honoring Attorney Delano Smart Stewart, 2005 inductee into the National Bar Association Hall of Fame.

WHEREAS, on August 5, 2005, during the 80th Annual Convention of the National Bar Association, longtime Tampa attorney Delano Smart Stewart was inducted into the association's Hall of Fame, one of only six outstanding attorneys so honored for the year 2005, and

WHEREAS, considered the Dean of Black Lawyers in Florida, Attorney Delano Stewart has been practicing law in Tampa since 1964, compiling a record of many significant contributions, including his co-founding the Tampa Organization of Black Affairs, serving as the first black assistant public defender in Hillsborough County, and making his firm the first integrated practice in the city by hiring a white lawyer in 1970, and

WHEREAS, Attorney Stewart has been honored numerous times by local and state bar associations, some of the most recent awards to his credit being

the Francisco Rodriguez Award for unstinting service to mankind in the areas of civil and human rights, given by the George Edgecomb Bar Association; the President's Award from the Virgil Hawkins Florida Chapter Bar Association; and the 2004 Herbert Goldberg Award, the highest award given by the Hillsborough County Bar Association Trial Lawyers Section, and

WHEREAS, hailed as a man of uncommon character, who has devoted his practice to being a "social engineer, not a parasite on society," his goal to serve the most needy, "Del" Stewart quietly brushes aside such accolades, simply saying of himself, "God has been kind to me; He has tremendously blessed me, and I have taken my law degree to use as a shield and sword: a shield for the oppressed and a sword for the oppressors," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Delano S. Stewart, Attorney at Law, is congratulated upon his induction into the Hall of Fame of the auspicious National Bar Association and is extended the heartfelt honor befitting one of his stature.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Attorney Delano S. Stewart as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Brummer—

HR 9047—A resolution observing April 17, 2006, as the 45th anniversary of the Bay of Pigs invasion.

WHEREAS, on January 1, 1959, a Communist dictator seized the government of the Republic of Cuba, occasioning a massive exodus of Cuban nationals, most of whom immigrated to the United States, and

WHEREAS, men and women of both American and Cuban origin determined that only an armed invasion could overthrow the Communist dictatorship subjugating the people of Cuba, and, on April 17, 1961, almost 1,500 men, trained, directed, armed, and equipped by the United States, landed on the southern coast of Cuba in an area known as "Bahia de Cochinos," or "Bay of Pigs," and

WHEREAS, during the next few days, in the course of a battle against an army immensely superior in manpower, firepower, and supplies, nearly 100 men lost their lives, including several who were captured and immediately assassinated, and

WHEREAS, the greater part of the remaining forces was captured, and, after being imprisoned for close to 18 months, these men were ransomed by President John F. Kennedy and returned to the United States, where they became productive members of this nation's society, never, however, forgetting their beloved native land, and

WHEREAS, April 17, 2006, marks the 45th anniversary of the Bay of Pigs invasion, an event held in the hearts of all who long for the liberation of the Republic of Cuba, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives expresses its great respect for and admiration of all members of Brigada de Asalto 2506 (Assault Brigade 2506), both living and deceased, and joins them in their fervent desire for the liberation from Communist dictatorship of the Republic of Cuba and its oppressed people.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Brigada de Asalto 2506 as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Joyner—

HR 9065—A resolution honoring the late Reverend Alfonso Leon Lowry, Sr.

WHEREAS, on August 20, 2005, the homeless, the helpless, and the hopeless lost an advocate, a mentor, and a friend, and the nation lost an icon of the civil rights movement, when the Reverend Alfonso Leon Lowry, Sr., succumbed to congestive heart failure at the age of 92, and

WHEREAS, born in Savannah, raised in New York City, and educated at Morehouse College in Atlanta, where his association with the civil rights movement began in the 1940's and where he once taught theology to Rev. Martin Luther King, Jr., the Reverend Lowry moved to Tampa in 1956 to become pastor of Beulah Baptist Institutional Church until his retirement in 1995, and

WHEREAS, in the 1960's, the Reverend Lowry proved himself a leader in the cause of equality, organizing students from Booker T. Washington Junior High School and Blake and Middleton High Schools for peaceful protests at the city's segregated department stores, lunch counters, beaches, and other public facilities, insisting always that everything be done with dignity and pride, and

WHEREAS, the Reverend Lowry helped found Tampa's first biracial bank; became president of Florida's National Association for the Advancement of Colored People, in which role he conferred with President Kennedy at the White House; was the first African American elected to the Hillsborough County School Board, on which he served for 16 years; was awarded The Florida Bar's medal of honor for easing racial tensions and promoting social justice; and was presented with the Liberty Bell Award by the Hillsborough County Bar Association in 1980, and

WHEREAS, acclaimed and honored by the great, loved and revered by the humble, the Reverend Lowry was said to have expressed the hope that he be remembered only for "helping make the world a better place than it was when he entered it," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Members of the House of Representatives affirm that the hope of the late Reverend Alfonso Leon Lowry, Sr., has been realized many times over and express their sincere gratitude and deep admiration for his life as a major force for progressive change against the nation's system of racial segregation.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Shirley Lowry, widow of the late Reverend Lowry, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Brummer—

HR 9071—A resolution designating April 21, 2006, as "Florida's First Financial Fitness Friday."

WHEREAS, a solid foundation in the knowledge and skills of financial management, including budgeting, balancing a checkbook, savings and investments, personal insurance, the wise use of credit, computing income taxes, and planning for retirement, is essential to an improved quality of life for all Floridians; however, it has been observed that becoming financially literate is a lifelong process that, for many people, requires assistance from outside the home, and

WHEREAS, members of the Florida Institute of Certified Public Accountants, as trusted financial advisors, are committed to active involvement in their communities through volunteer participation in financial education initiatives that teach sound financial management and promote prudent decisionmaking in setting goals and building financial security, and

WHEREAS, the Florida Institute of Certified Public Accountants has developed a multifaceted program in which CPA's take a broad leadership role in educating Floridians, from school children to retirees, as to sound financial practices that apply to their particular life stages, and

WHEREAS, in observance of National Financial Literacy Month, the institute has created a checklist of items individuals are encouraged to review annually in order to stay financially fit and, further, has developed an "Ask the Expert" hotline and dedicated the FICPA website as outreach initiatives available on Friday, April 21, 2006, through which the public may receive from CPA volunteers guidance on sound financial practices, and

WHEREAS, the Florida Institute of Certified Public Accountants maintains that improving financial literacy for all residents of Florida would serve to strengthen families and communities and suggests that educational and financial institutions, government entities, community-based organizations, and CPA's may work together to better equip Floridians to make informed choices about their finances, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives designates April 21, 2006, as "Florida's First Financial Fitness Friday" and urges the state's residents to avail themselves of the knowledge and tools offered as a means of improving their financial stability.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Joyner—

HR 9083—A resolution recognizing the 20th anniversary of the Shriners Hospital for Children in Tampa, Florida.

WHEREAS, in 1985, the Shriners Hospital for Children in Tampa, Florida, opened its doors to care for children with orthopedic conditions and since that time has maintained a staff dedicated to helping young patients develop their physical, emotional, and intellectual capabilities and to lead fuller, more productive lives, and

WHEREAS, the hospital, a 60-bed pediatric orthopedic hospital providing comprehensive orthopedic care to children at no charge, without regard to race, religion, or relationship to a Shriner, is designed to incorporate state-of-the-art equipment and advanced treatment programs with the Shriners Hospital's family-centered-care approach, and

WHEREAS, the hospital maintains a teaching affiliation with the University of South Florida and is heavily involved in ongoing research exploring the mysteries of musculoskeletal diseases of children, and

WHEREAS, the hospital has expended more than \$300 million in the past 20 years on medical treatment, salaries, and services to the community; in that time has provided care to over 35,000 of Florida's children; and is committed to continued care for increasing numbers of children in the future, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives proudly recognizes the 20th anniversary of the Shriners Hospital for Children in Tampa, Florida, and urges the residents of the state not only to join this exceptional institution in the celebration of its 20 years of service to the children of this state, but to express their gratitude for the ongoing care and research for which it is known.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Sobel—

HR 9085—A resolution designating the week of April 23-30, 2006, as "Holocaust Remembrance Week" in Florida.

WHEREAS, the annual Holocaust Remembrance Day, also known as Yom Hashoah, has been set aside as a time to remember the victims of the Holocaust and to remind Americans of what can happen among even the most civilized of peoples when bigotry, hatred, and indifference are allowed to run rampant, and

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of six million Jews and millions of other victims between the years of 1933 and 1945, and

WHEREAS, in 1980, Congress created the United States Holocaust Memorial Council with the charge to build the United States Holocaust Memorial Museum in Washington, D.C., and to encourage annual observances of the Days of Remembrance nationwide in memory of the victims of the Holocaust, and

WHEREAS, the Holocaust Documentation and Education Center, Inc., the first Holocaust museum in South Florida, was established in 1979 as a nonsectarian, nonprofit organization proposed to serve as "A Living Memorial Through Education," and

WHEREAS, during the observance of Holocaust Remembrance Week, on Thursday, April 27, 2006, the Holocaust Documentation and Education Center, Inc., and the City of Hollywood will dedicate the new home of the Center, a recently acquired 14,000-square-foot building that will be used to display artifacts and provide educational opportunities designed to reduce prejudice and promote a resolve that such atrocities must never again be carried out against humankind, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives designates the week of April 23-30, 2006, as "Holocaust Remembrance Week" in Florida.

BE IT FURTHER RESOLVED that the House of Representatives congratulates the Holocaust Documentation and Education Center, Inc., upon the dedication of its new building and encourages all Floridians to avail themselves of opportunities to gain a better understanding of the attitudes and events that led to the horrors of the Holocaust.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Joyner—

HR 9097—A resolution honoring the late MaVynee Oshun Betsch.

WHEREAS, dubbed the "face of American Beach," Nassau County's most famous resident, MaVynee Oshun Betsch, has been featured in numerous national and regional publications, including "Smithsonian Magazine," "Preservation," and "Sierra"; has been called a recognized leader in preserving land and history in the South; and was one of six who recently received a freedom award from the local chapter of the National Association for the Advancement of Colored People, typical of the many honors she received during her lifetime, and

WHEREAS, MaVynee Oshun Betsch was born in 1935, the same year in which her great-grandfather Abraham Lincoln Lewis led in the founding of American Beach on the southern end of Amelia Island as a resort for African Americans during a time they were barred from beaches reserved for whites, and

WHEREAS, Ms. Betsch was educated at the Oberlin Conservatory of Music in Ohio, studied voice in Paris, and moved to Germany, where she performed and sang opera for a decade before she returned to her beloved island and earned the title of "Beach Lady" for her determined fight to protect American Beach from development and preserve its history, and

WHEREAS, in time, Ms. Betsch persuaded a local developer to donate to the Timucuan Ecological and Historic Preserve of the National Park Service a 60-foot-tall sand dune she named NaNa, a word in the West-African Twi dialect for "grandmother," an accomplishment realized only after her characteristic zeal and persistence resulted in the passage of an act of Congress, and

WHEREAS, typical of her colorful lifestyle, Ms. Betsch, whose favorite color was orange, like the rope once used in the ocean to segregate black and white swimming areas, wore an incredible 30 years' growth of seven-foot-long hair, much of which she carried in a suitcase and which, at her request, was removed at the time of her death on September 5, 2005, to be incorporated into a piece of artwork for display at the future A. L. Lewis American Beach Museum, her one major project not completed during her lifetime, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives honors MaVynee Oshun Betsch, the state's renowned "Beach Lady," and her work as an outstanding example of the accomplishments that may be realized by a life fired by passion, commitment, and determination.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 17:

The State Administration Appropriations Committee reported the following favorably:

HB 161

The above bill was transmitted to the next council or committee of reference, the Commerce Council.

The Agriculture & Environment Appropriations Committee reported the following favorably:

HB 229

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The State Resources Council reported the following favorably:

HB 637 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:

HB 671

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The Transportation & Economic Development Appropriations Committee reported the following favorably:

HB 959

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Fiscal Council reported the following favorably:

HB 995

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The Agriculture & Environment Appropriations Committee reported the following favorably:

HB 1039

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The Transportation & Economic Development Appropriations Committee reported the following favorably:

HB 1115

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Fiscal Council reported the following favorably:

HB 1315

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Transportation & Economic Development Appropriations Committee reported the following favorably:

HB 1359

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The Finance & Tax Committee reported the following favorably:
HB 1413

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:
HB 1421 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Criminal Justice Committee, subject to review under Rule 6.3.

The Transportation & Economic Development Appropriations Committee reported the following favorably:
HB 1467 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 1559

The above bill was placed on the Calendar of the House.

The Transportation & Economic Development Appropriations Committee reported the following favorably:
HB 7055

The above bill was transmitted to the next council or committee of reference, the Commerce Council.

The Finance & Tax Committee reported the following favorably:
HB 7131

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee.

Received April 18:

The Criminal Justice Appropriations Committee reported the following favorably:
HB 45 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 377

The above bill was placed on the Calendar of the House.

The Health Care Appropriations Committee reported the following favorably:
HB 393 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 507 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Resources Council, subject to review under Rule 6.3.

The State Administration Appropriations Committee reported the following favorably:
HB 517 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 583

The above bill was placed on the Calendar of the House.

The Justice Council reported the following favorably:
HB 669

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:
HB 675 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 689 with committee substitute

The above bill was transmitted to the next council or committee of reference, the PreK-12 Committee, subject to review under Rule 6.3.

The Business Regulation Committee reported the following favorably:
HB 755 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Administration Appropriations Committee, subject to review under Rule 6.3.

The Governmental Operations Committee reported the following favorably:
HB 775 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 815

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 1143

The above bill was placed on the Calendar of the House.

The Finance & Tax Committee reported the following favorably:
HB 1183 with committee substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Governmental Operations Committee reported the following favorably:
HB 1223 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Local Government Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:
HB 1265 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:

HB 1319 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:

HB 1327 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:

HB 1365 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:

HB 1409 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1417

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:

HB 1451 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 1467

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 1469

The above bill was placed on the Calendar of the House.

The Justice Council reported the following favorably:
HB 1577

The above bill was placed on the Calendar of the House.

The Health & Families Council reported the following favorably:
HB 7065

The above bill was placed on the Calendar of the House.

The Education Appropriations Committee reported the following favorably:

HB 7117 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Justice Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:

HB 7121 with council substitute

The above bill was transmitted to the next council or committee of reference, the State Administration Council, subject to review under Rule 6.3.

The Health Care Appropriations Committee reported the following favorably:

HB 7139 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 7157

The above bill was placed on the Calendar of the House.

The Health Care Appropriations Committee reported the following favorably:

HB 7203 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7225 with council substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7227 with council substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

Enrolling Reports

HB 167 and HB 201 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 18, 2006.

John B. Phelps, Clerk

Excused

Rep. Antone until 2:45 p.m.; Rep. Ausley until 2:00 p.m.; Reps. Brutus, Kottkamp

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:37 p.m., to reconvene at 11:00 a.m., Wednesday, April 19, or upon call of the Chair.

Pages and Messengers for the week of April 17-21, 2006

Pages—Christopher Attkisson, St. Cloud; Natalie Marie Barreiro, Miami; Bradley Bean, Fernandina; Kai Leia Childree, Tallahassee; Jennifer Cotton, Pace; Austin Cunningham, Tallahassee; Oscar A. De la Rosa, Hialeah; Monica Diaz, Miami; Sean Duarte, Tallahassee; Rob Evers, Baker; Ashley Florestal, Ft. Lauderdale; Joey Genta, Naples; Zachary Lassiter, Jacksonville; Zachary D. L'Hote, East Hampton, CT; Jenna Platt, Winter Haven; Michael Raynor, Jr., Tallahassee; Travis Ross, Lakeland; Esther Rowan, Tallahassee; Brendan Ryan, Dania Beach; Christopher Scott, Pensacola; Jessica Steinmiller, Miami; Raffaella L. Susi, Tallahassee; Katina P. White, Cape Coral; Jacob "Jake" Ronald Woods, Holt.

Messengers—Gregory Boan, Miami; Brittney Calhoun, Coral Springs; Abigail Crawford, Raiford; Nicholas Duarte, Tallahassee; Rachel Emeis, Wellborn; Spencer S. Fletcher, LaBelle; Matt Goslin, Orange Park; Sean Hamraham, Deerfield Beach; Michael T. Kerekes, Middleburg; Victor Lopez-Cantera, Coral Gables; Maria Mier, Weston; Matthew V. Minkoff, Gulfport;

Kathleen Power, Delray Beach; Shane Ross, Lakeland; Johanna R. Ryan, Dania Beach; Joshua Scott, McAlpin; Erica Steinmiller, Miami; Joseph Talaber, DeLand; Travisha E. Vaughns, Lauderhill; Katelyn Audrey Woods, Holt.